

BEFORE THE BROWN TOWNSHIP TRUSTEES
DELAWARE, OHIO

--|--

Continued Public Hearing Regarding

The Henmick Brewery

Planned Commercial and Office District

--|--

Before Trustees: Charles Miley
Connie Skinner
Gary Stegner

Date and Time: Monday, July 22, 2024
6:00 p.m.

Place: Brown Township Hall
5555 State Route 521
Delaware, Ohio

Stenographic
Reporter: Maria DiPaolo Jones, RDR, CRR
Notary Public - State of Ohio

--|--

1 IN ATTENDANCE:

2 Cory J. Coe, Assistant Prosecuting Attorney
3 Delaware County, Ohio

4 On behalf of Henmick Brewery:

5 Nick Sheets
6 Garrett T. Gandee
7 Nate Hatfield
8 Aaron Heydinger
9 David Shade, Esq.

10 -- | --

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 Monday Evening Session
2 July 22, 2024.

3 --|--

4 TRUSTEE SKINNER: It's six o'clock, I will
5 call our continued meeting to order for July 22nd,
6 2024, for the Henmick rezoning and final development
7 plan hearing.

8 Any additions or changes to the agenda?

9 TRUSTEE STEGNER: No.

10 TRUSTEE MILEY: No, none.

11 I move we approve the agenda as presented.

12 TRUSTEE SKINNER: Before we do that, do we
13 want to offer public comment?

14 TRUSTEE STEGNER: I think we should.

15 TRUSTEE MILEY: I think the same rules we
16 had before, yes.

17 TRUSTEE SKINNER: Okay. So it looks like
18 three trustees would like to offer public comment for
19 those that are here. We will do that after No. 5.

20 And, with that amendment, do you still
21 want to move to approve the agenda, Charlie?

22 TRUSTEE MILEY: Yes.

23 TRUSTEE SKINNER: Did you second it?

24 TRUSTEE STEGNER: Second.

25 TRUSTEE SKINNER: All in favor?

1 (Ayes heard.)

2 TRUSTEE SKINNER: All right. We did not
3 bring the flags over, but I think we can all pretend
4 to look at a flag and say the Pledge of Allegiance,
5 so please join me.

6 (Pledge of Allegiance.)

7 TRUSTEE SKINNER: We will turn this over
8 to the applicant presentation.

9 GARRETT GANDEE: Good evening. I'm
10 Garrett Gandee with Gandee Heydinger Group. We're
11 the civil engineers and planning consultants that are
12 working with Henmick on the rezoning. We also have
13 Aaron Heydinger and Nate Hatfield from Gandee
14 Heydinger Group, GHG; we have David Shade, he's the
15 attorney for Henmick; and we have Nick Sheets, who's
16 the owner of Henmick.

17 Tonight we're just going to quickly go
18 through the revisions that we've made in light of the
19 feedback we received when we first started the
20 hearing on July 8th. We're going to try to get
21 through them quickly, and then we'll be back up to
22 talk if you have any further questions.

23 So we revised a few different things here.
24 We revised the zoning text, we'll get into that;
25 clarified permitted uses; the landscape plan has been

1 revised based upon feedback that we received; we're
2 removing the building height divergence on the inn;
3 and we're removing two murals from the final
4 development plan.

5 So on that permitted uses, if you look at
6 that revised zoning text that we sent last week, in
7 Section IV, Part B you'll see the permitted uses
8 listed. Mr. Shade did quite a bit to clean up that
9 original list to reduce the number of permitted uses
10 and then tied certain uses to the establishments
11 they're intended to serve.

12 So, for example, any NAICS codes which
13 pertain to the industrial manufacturing of alcoholic
14 beverages, we removed those just to make it more
15 clear. Now it clearly states: Production of
16 alcoholic beverages is permitted in association with
17 drinking places in NAICS.

18 Other uses like beauty and nail salons,
19 laundry services, those are now more specifically
20 tied into the establishment they're intended to serve
21 for more clarity there.

22 The text also just, in general, lists the
23 different concessions that Henmick's making as a
24 result of the July 8th Trustee feedback.

25 So when it comes to this landscape plan,

1 we had a request to take a look at adding more street
2 trees. And then -- our position hasn't changed with
3 the installation of new street trees as a pedestrian
4 safety concern, but we're willing to add more street
5 trees in this area shown in green, right in there, if
6 the trustees want them.

7 We believe that there's enough existing
8 trees being preserved in the magenta area to satisfy
9 there, so what we're really talking about is a
10 divergence from planting new street trees in these
11 two areas, and that's solely because we don't want
12 obstacles for pedestrians to, basically, get lost
13 behind for vehicular travel.

14 We would also request not to plant any
15 additional trees in this magenta area, letting the
16 ones that are shown there serve the street tree
17 purpose.

18 We also have a couple in that parking area
19 up there in the southeast parking lot that will be
20 adding new trees to the area.

21 We also talked about dust screening
22 measures. It's our position that there hasn't been a
23 dust issue up there at the site. We haven't heard
24 any complaints about that. We actually drove around
25 at a pretty high rate of speed at maybe noon on

1 Friday, and we had to get up to about 50 miles an
2 hour before we could even see any dust, and it was
3 really dry on Friday.

4 So we don't think that we have a dust
5 issue up there, but we put the step of adding this
6 language in green that Nick is going to be, or
7 Henmick is going to be solely responsible for
8 preventing, suppressing, and mitigating dust. So if
9 there is a dust issue, Henmick has sole
10 responsibility to address it.

11 Furthermore, Henmick's a really unique
12 configuration. You don't see a lot of proposed
13 developments where the applicant himself is
14 self-buffering his proposed rezoned area. And then
15 we also have the U.S.A. lands to the north.

16 So another reason we think that the
17 existing situation is adequate is because crops are
18 grown in all of this land, including on the Flemings'
19 there to the north, during almost all the months
20 where we have increased visitors to Henmick.

21 So we have, you know, probably about a
22 hundred acres of buffering for any dust, so it far
23 exceeds what we can get from, like, putting a row of,
24 you know, 12 ornamental grasses or something along
25 this northern edge.

1 So we think it would keep the existing
2 aesthetic to let crops be the buffer, then he's also
3 got more land self-buffering, and we think that the
4 biggest thing that we put in is that he's accepting
5 sole responsibility for the dust issues that might
6 arise from the gravel areas of this parking lot.

7 Building height. It's pretty
8 straightforward. Once we had the architect go back
9 to use Brown Township's standard for how to measure
10 building height, building height is not an issue. So
11 when we're talking about a gabled roof, which is your
12 standard, typical roof like this, the eaves are
13 pretty much where the gutters hang, the ridge is the
14 top, and Brown Township measures gable roofs right in
15 the middle.

16 So when WSA Architects went back and
17 looked at the proposed design, it came in well under
18 the 35-foot requirement, so we just simply dropped
19 that request.

20 And then, lastly, the murals that were
21 labeled F and G on the site detail sheet that you
22 asked about, we've simply deleted them from the final
23 development plan. So any murals that are proposed by
24 Henmick are going to have to go through BZA for
25 approval.

1 But, essentially, that's the long and
2 short of it. That's what we looked at, and those are
3 the changes we made, and those are the major
4 revisions in the materials that we sent to you last
5 week.

6 So with that, unless you have any
7 questions, I'll sit back down.

8 TRUSTEE SKINNER: Do you guys want to ask
9 questions first, or let the public go first?

10 TRUSTEE MILEY: The public.

11 TRUSTEE SKINNER: Okay.

12 Thank you for working with us. We're
13 going to open it up to the public. No more than
14 three minutes, please. And please make sure you
15 speak legibly into the microphone for our amazing
16 court recorder.

17 So anybody -- and we need to, yeah, we
18 need to get you sworn in, so anybody that wishes to
19 speak, make sure you're signed in on the sign-in
20 sheets at the table, and I will let the court
21 recorder take over for swearing you in.

22 THE STENOGRAPHER: Anybody who intends to
23 give testimony, could you stand and raise your right
24 hand, please.

25 (Oath administered.)

1 TRUSTEE SKINNER: And we'll take the
2 first. We might as well just go row-by-row and get
3 this done. So whoever's first, come on up.

4 JOHN BARNEY: John Barney, 2815 North Old
5 State Road, about a mile and a half south of the
6 brewery.

7 The big thing here is the traffic, you
8 know. We also have, that doesn't seem to be
9 mentioned, you know, we have a wedding venue coming
10 pretty soon after this, it's going to be another
11 hundred, 200 cars for Friday, Saturday, Sunday, on
12 top of what already overloads this intersection, the
13 roads, Friday, Saturday, Sunday.

14 And now with Phase 2, if this is approved,
15 it's going to get even worse. You know, there's
16 going to be more bands through here, which would
17 allow more people coming in, more spaces for people
18 to congregate, more parking there. Not to mention
19 this inn/restaurant/bar, whatever, more parking.

20 I mean, it's the traffic, and I could go
21 on, but that's what it comes down to. And I just
22 think this wasn't -- Is this what we want here, more
23 of what's already been started?

24 Thank you.

25 TRUSTEE SKINNER: Thank you.

1 We'll go ahead and take the next, please.

2 CHRIS RINEHART: Chris Rinehart, 4018
3 North Old State Road.

4 Trustees, I provided you correspondence
5 earlier today outlining some additional issues and
6 concerns. First of all -- the first of which is I
7 did not have a meaningful opportunity to review these
8 plans since they were made available to the public at
9 1:45 this afternoon.

10 But just to highlight a few things that
11 are still of concern. Number 1, the permitted uses
12 still contain objectionable uses, and they don't
13 have -- they were not sufficiently detailed enough in
14 order to provide enforcement criteria for the
15 township. The permitted uses should be defined by
16 building, not just overall general specific, you
17 know, general application to the entire site.

18 In addition, I believe the trustees
19 requested street trees to be placed along the entire
20 length, that is for multiple uses, that's for safety,
21 to slow traffic, that's also to allow for noise
22 mitigation, which I believe the Trustees Skinner or
23 one of the other trustees raised earlier, and to
24 provide additional screening for the activities that
25 are going on in here. I believe Trustee Skinner

1 asked for additional screening on both the north and
2 the south. Those are all issues that are required by
3 our zoning resolution.

4 There's no phasing plan to tell when each
5 of these phases are going to be developed. There's
6 no noise mitigation plan included in the text of the
7 zoning resolution itself. To my knowledge, you have
8 not received any information or feedback regarding
9 the traffic study that was submitted by the applicant
10 to the engineer's office. And just, you know,
11 Costcos and Walmarts are still included as one of the
12 permitted uses.

13 So I gave you a very detailed analysis in
14 the binder that I provided to you at the previous
15 meeting, those issues and concerns are still largely
16 relevant and the whole issue --

17 Oh, and the other thing that I provided to
18 you today was a copy of the development plan provided
19 for downtown -- development for downtown Kilbourne
20 which has building elevations for each of the
21 buildings proposed by Mr. Gandee and his group, and
22 that's front, side, and rear elevations together with
23 proposed materials, et cetera, along with a site
24 plan. None of that information is enclosed and
25 included as part of this application.

1 And elevations for all of the existing
2 buildings, plus the proposed buildings, should also
3 be included because I think it was a surprise to
4 everyone the last time when we found out that there
5 was going to be a basement to the hotel from which
6 there was going to be access to a courtyard with a
7 cafeteria and whatnot as part of that application.

8 So, again, there's a lot more detail that
9 needs to be included as part of this application, it
10 doesn't comply with our zoning resolution or
11 comprehensive plan and shouldn't be approved in its
12 current form.

13 Thank you.

14 TRUSTEE SKINNER: Thank you.

15 UNIDENTIFIED FEMALE SPEAKER: May I ask a
16 question? Can people please speak into the
17 microphone, because it's hard to hear.

18 UNIDENTIFIED FEMALE SPEAKER: And talk
19 slow.

20 TRUSTEE SKINNER: It's a lot to get in in
21 three minutes, but yes, please speak into the
22 microphone. It's difficult. The room echoes.

23 Please, next.

24 We have to move a lot quicker than this,
25 guys.

1 UNIDENTIFIED FEMALE SPEAKER: Scary
2 moment.

3 TRUSTEE SKINNER: Thanks.

4 ANDREW CLARK: Andrew Clark, 5629 Giehl
5 Road.

6 I just wanted to thank everyone, from the
7 applicant and his group for presenting this, as well
8 as the trustees for listening to this. I understand
9 there's a lot of concerns with traffic, a lot of
10 that, unfortunately, can't be solved by one local
11 business owner, but I feel that after attending
12 several of these meetings, both at the zoning board
13 and with the trustees, it is very clear that
14 Mr. Sheets and Henmick intend to do the right things
15 in our community.

16 I don't think we can keep a business owner
17 down just because he's been successful, and I think
18 that all the questions that were asked and issues
19 that were raised by the trustees/by the community at
20 the last meeting have been addressed, and I just
21 encourage the trustees to pass his application and
22 allow him to continue his business in our community.
23 Thank you.

24 TRUSTEE SKINNER: Thank you.

25 Next, please, come on up.

1 MIKE CARPER: Mike Carper, 6371 Giehl
2 Road.

3 I just, I feel like Henmick and the team
4 has addressed everything that the trustees have
5 asked. I think this plan, in my opinion, works best.

6 The one concern that I have for the
7 trustees, when you talk about trees along this
8 parking lot, as we drive down Old State, I get
9 concerned about that being covered and people trying
10 to cross. I don't know what the answer is there, but
11 I have concerns about trees there.

12 Beyond that, I think that Nick and Henmick
13 has answered all those questions, so I would
14 encourage for you guys to pass this resolution.

15 TRUSTEE SKINNER: Thank you.

16 Next, come on up, please. Who's next,
17 please?

18 BOB EBRIGHT: Hi. Bob Ebright at 4072
19 North Old State Road for the last 30 years.

20 I just want to say a couple things here.
21 One, I appreciate what's going on downtown with the
22 Gandee group, what Garrett's done with downtown, it's
23 looking good. But, with that being said, why can't
24 we just keep downtown downtown? Why does it have to
25 be -- country in the country and downtown downtown.

1 Talking about the traffic, we all know
2 that's a problem, and I don't think Henmick is all
3 the problem, but I think that if you're not part of
4 the solution, you are part of the problem. That's
5 all I have to say.

6 TRUSTEE SKINNER: Thank you.

7 All right. Next, please. Anybody who
8 wishes to speak.

9 ELISE MAASS: Sorry, I'm short. 5629
10 Giehl Road, my name is Elise.

11 I just -- On Father's Day we had a fire,
12 which was absolutely devastating for us, and the
13 first people to respond were people coming to or from
14 Henmick. And that was -- It saved our house.
15 Because we have people coming up here right now, we
16 were able to live.

17 So we support this. We want all of this.
18 And we moved here from Bexley to get a slower pace of
19 life, but we also still like to be social, and it's
20 really important for us to have all of this here, so.

21 TRUSTEE SKINNER: Thank you.

22 Yeah, anyone else? Yeah, come on up.

23 BETH CARPER: Beth Carper, 6371 Giehl
24 Road.

25 I love living in rural Ohio. And I was

1 camping over the weekend and a very dear friend of
2 mine, who is a trustee in Concord Township, said to
3 me, "Beth, the Indians didn't want us to establish
4 this area either, but they didn't have a choice, and
5 now we're looking at more development."

6 Again, I've said this before and I'm going
7 to say it again, our trustees who we elect have a
8 choice on how we get developed. We don't have a
9 choice of whether we're going to grow or not. We're
10 going to grow. And I'm just going to lean on the
11 trustees to make the best decision for this township
12 and, in my opinion, this type of growth is better
13 than a housing development. Thank you.

14 TRUSTEE SKINNER: Thank you.

15 Anyone else? Do we have anybody else?

16 EVELIN WELLS: I'll go. Evelin Wells,
17 5205 U.S. Highway 42 North.

18 I think that this is the third meeting, I
19 think, we've been to, each lasting roughly three
20 hours. So, you know, 12 hours-ish of an investment.
21 I think if this is extended another 13 days we would
22 come because we believe and support the vision and
23 the mission and the good work that is being done by
24 Nick Sheets and family.

25 I said this at the very -- the very first

1 time I spoke, and now I'll reiterate it again, and
2 that is that someone from our own community, someone
3 that went to Buckeye Valley, someone that had a dream
4 came and made something out of his vision and what he
5 wanted for his family, and I think if we stop it now,
6 if we say someone that grew up in our own backyard
7 cannot have a dream, cannot be successful, in their
8 own -- on their own land, in their own backyard,
9 what -- who else is going to come help us develop
10 this beautiful countryside?

11 Because we do want it to develop,
12 because -- It is going to happen, first of all, and
13 second of all, you know, we have some control over
14 it.

15 So if we say no to one of our own, who
16 else is going to come? Maybe we don't want anyone to
17 come. Well, it's going to happen anyways, either
18 through developments or other -- through other means.
19 So let's do this the responsible way, let's set this
20 up for our children and their children going forward.
21 Thank you.

22 TRUSTEE SKINNER: Thank you.

23 All right. Go right ahead.

24 MARLA KAY CONLEY: I'm taller than you.

25 My name is Marla Kay Conley, 6371 Giehl

1 Road.

2 First thing is, I'm sure you all think --
3 and not to be offensive, I'm probably one of the few
4 younger people in here and you probably think, oh,
5 young people just want a place to go and drink and
6 hang out. No, the first thing I think of is jobs.

7 There's a lot of people my age that aren't
8 working. And I think of what he's bringing to this
9 area, of hard work for people to learn how hard you
10 have to work for something. Whether it's just
11 cleaning a toilet or, I don't know, wiping off a
12 table, that's hard work. Those are long hours.
13 You're serving someone.

14 Customer service is a really big part of
15 every kind of job today, in my opinion, whether
16 you're, you know, like me, working at an animal
17 hospital wiping someone's dog's butt, it's really
18 important for customer service and care and hard
19 work, it's something we don't have here is jobs for
20 people, or even young people who are growing up in
21 this community.

22 So I also have a lot of friends who love
23 coming up here. They're like, wow, I've never been
24 up here before, it's so beautiful. It's peaceful
25 even though everyone says it's loud at Henmick. It's

1 just, actually, really nice to just gather and make
2 new friends.

3 So I support it. I've lived here for 30
4 years, maybe like 25 actually, but close enough. So
5 I support everything Nick's doing just for the
6 community.

7 TRUSTEE SKINNER: Thank you.

8 Do we have anyone else?

9 MARK DENNIS: Mark Dennis, 4787 Bowtown
10 Road.

11 I'm not sure what Henmick's zoning was
12 approved to get this in operation, but now that we
13 have a really successful business, now we've got to
14 do this (indicating).

15 My concern is, is this going to happen to
16 everybody that's going to come here, just because
17 they have a successful business, then we got to have
18 rezoning? You know, I don't have any idea what Nick
19 has spent up there to make that place look the way it
20 does, but, you know, that's going to be costly if,
21 you know, you can't get zoning redone because
22 somebody doesn't like it.

23 So it's going to be costly. It's going to
24 end up being costly to somebody, if this is going to
25 be approved, and this is why the township needs to

1 have legal counsel at all these zoning meetings and
2 zoning board of appeals meetings and stuff like that,
3 to keep this from happening.

4 This should have been -- If this is what
5 was required, this is what should have been done
6 before he even opened. And instead of letting him
7 open up a business and then all of a sudden, because
8 of COVID, and people came because it was out in Brown
9 Township, all the cities were shut down and they come
10 out here and love it, and that's not Nick's fault.

11 So, you know, my concern is, you know, if
12 this is what's going to be required at any point,
13 then we need to do this up front. This, we should
14 not be here redoing this because somebody doesn't
15 like it, so.

16 TRUSTEE SKINNER: Thanks.

17 Anyone who's next.

18 MIKE HUSTON: I will. Mike Huston, 6501
19 North Old State Road.

20 I have two points to make. Last time I
21 spoke we talked about the responsible and the type of
22 growth that we would encourage versus some other
23 types of growth: Housing developments. I also
24 think, look up in Westfield, they have their own
25 biodigester. That's not the kind of business we want

1 to have, that's right next door either.

2 So this type of growth represents
3 something that is managed. A planned community or
4 planned commercial appeals to me when it's associated
5 with the zoning text. It seems like it's the right
6 solution.

7 And then this statement to the trustees,
8 you know, we live in a republic where we elect you to
9 represent our best interests. I think if you look at
10 the sentiment of all the public comments here, you
11 know, there's been -- I didn't -- it's not anything
12 official, but it looked like more in favor than
13 detractors. I would encourage you to weigh that as
14 you make your decisions and not just react or listen
15 to one or two constituents that you have been
16 associated with throughout the years.

17 Look at what the community is saying here
18 when it comes to our support. Some support. Some
19 detractors. More are supporting. So I think that
20 should be reflected in your decision and I would
21 encourage you to vote accordingly. Thank you.

22 TRUSTEE SKINNER: Thank you.

23 Do we have anyone else?

24 Going once. Any last takers on public
25 comment?

1 Seeing none, I'll entertain a motion to
2 close public comment.

3 TRUSTEE MILEY: I would move at this time
4 to close public comment on the Henmick rezoning.

5 TRUSTEE STEGNER: I'll second it.

6 TRUSTEE SKINNER: Any discussion on that?

7 All in favor?

8 (Ayes heard.)

9 TRUSTEE SKINNER: So now we've come to the
10 point where it's our turn to converse back and forth
11 with the team. Regarding the trees, I want to read
12 something from the county. This is directly from our
13 county representative, Doug Riedel, and this is
14 referring to the trees along the road frontage along
15 North Old State.

16 This is his response: The trees along the
17 shared-use path will need to be located beyond the
18 required sight-distance triangle for the parking lot
19 located on the west side of North Old State Road.

20 We -- meaning the county -- would require
21 the design engineer for the site to ensure the sight
22 distance for the parking lot is provided and that no
23 obstructions are located within the sight-distance
24 triangle when the development plans are submitted for
25 our review/approval.

1 That was their thoughts on that. So
2 this -- I don't believe we are the final approval on
3 the trees or exactly where the trees are; however, I
4 do like where the trees are located on the west
5 side -- Yeah, if you want to get that screen back up.

6 GARRETT GANDEE: Yep.

7 TRUSTEE SKINNER: On the west side, it's
8 far enough off the road where it's not going to
9 obstruct the drivers' line of sight and it's not
10 going to -- there's nothing between the shared-use
11 path and the road. So the pedestrians, bike riders,
12 whatever, have a clear view of the road, and the
13 drivers have a clear view of the road and the
14 sidewalk, or the shared-use pathway, and I like where
15 they're located.

16 I actually would not want any more further
17 down heading to the north just because it would
18 interrupt everyone's line of sight, and there would
19 be too much chaos there if we put some more along the
20 west side of the parking lot or more on the east side
21 there.

22 Any thoughts from you guys on the trees?
23 I know I kind of fought with it for a long time, do
24 we want them, do we not want them.

25 UNIDENTIFIED FEMALE SPEAKER: Can we

1 specify where the triangle is that we're talking
2 about?

3 TRUSTEE SKINNER: So the county
4 referencing the parking lot sight triangle, I do not
5 know.

6 UNIDENTIFIED FEMALE SPEAKER: Okay.

7 TRUSTEE SKINNER: I do not know. That
8 must be a tool that they use.

9 UNIDENTIFIED FEMALE SPEAKER: Yeah.

10 UNIDENTIFIED MALE SPEAKER: It says "sight
11 triangle" on there.

12 TRUSTEE SKINNER: Oh, does it?

13 And so that's, still, that's on review of
14 the county. When they see these final plans, they're
15 going to look at that and they may move --

16 MR. HEYDINGER: Do you want clarity on the
17 two different triangles?

18 TRUSTEE SKINNER: Sure. Yes.

19 MR. HEYDINGER: So these are clear --
20 those are clear sight triangles just at the
21 intersection. The sight vision -- sight triangle is
22 for stopping sight distance and intersection sight
23 distance, so that is for people making a left-hand
24 turn or a right-hand turn. It's based on how far --
25 from 18 feet off the edge of the road, how far you

1 have to be able to see clear a line of sight. So if
2 we start putting the trees up in there closer, then
3 we end up trying to adjust it.

4 But, basically, if you put a person right
5 here, right here, pulling out, and then there's one
6 for turning left and there's a distance for turning
7 right, we basically mapped that on our final
8 engineering plans and show that there's nothing in
9 there.

10 So these are vision clear sight triangles
11 at the intersection showing that there's nothing in
12 those, just that little triangle right at the
13 intersection. So there's two different types of
14 triangles.

15 TRUSTEE SKINNER: Okay.

16 GARRETT GANDEE: And just as a final, just
17 point of clarity, anything that's done regarding the
18 trees or the roadway, or anything dealing with
19 traffic in general, is going to have to go through
20 final engineering with the Delaware County Engineer
21 who we'll be complying with fully. So, yes, they'll
22 get to weigh in on these solutions to make sure
23 they're appropriate.

24 And as of now, our current standing with
25 the county engineer, we're at the right spot in

1 design for where you would be at going into a
2 rezoning in a preliminary phase, but everything we
3 submitted to the Delaware County engineers has been
4 approved as noted and pending final engineering,
5 which we will continue to comply with.

6 TRUSTEE SKINNER: Okay. Very good. Very
7 good.

8 Questions or thoughts from either of you?

9 TRUSTEE MILEY: I think there should still
10 be some trees along the east side there where your
11 little pond is and along that parking lot just to
12 make it balanced. It would be on the east side of
13 the road. I mean, you've got them on the west side,
14 but why not --

15 NICK SHEETS: Through here?

16 TRUSTEE MILEY: Right in that area, yeah.

17 NICK SHEETS: I know we have them this
18 way, and I know we have them in the parking lot
19 itself. We would have to know what that sight
20 triangle is. If we put them here, then we're going
21 to lose these parking spots.

22 TRUSTEE MILEY: But you put them farther
23 down and still include that triangle.

24 NICK SHEETS: That way?

25 TRUSTEE MILEY: It would be south.

1 TRUSTEE SKINNER: It would be south.

2 NICK SHEETS: South, through here. Yes.

3 TRUSTEE MILEY: Through there and about
4 halfway up the parking lot, whatever that --

5 TRUSTEE SKINNER: The pond?

6 TRUSTEE MILEY: On North Old State.

7 TRUSTEE STEGNER: That's a detention pond.

8 NICK SHEETS: That's a detention pond.

9 TRUSTEE MILEY: I know, but between there
10 and the road, is there room there?

11 NICK SHEETS: Right here? I mean, if we
12 can fit that in, we can. We could possibly. I don't
13 know.

14 Aaron?

15 TRUSTEE MILEY: It looks like there's a
16 tree on the corner of the parking lot already.

17 NICK SHEETS: Well, this is completely
18 full from the government property, too, with trees.

19 MR. HEYDINGER: We can't put trees in
20 front of this parking lot because they'll be right --
21 if you look at the trees here today, they're all
22 chopped up from the power lines. If we put trees
23 here, they're going to get cut down as soon as we
24 plant them because as soon as they start growing, the
25 power company is going to come and cut them down.

1 This down in here, we have a tree line all
2 the way to the corner. We had one, kind of, shown.
3 If you want, we can put one here. But we cannot put
4 them here without them just getting -- We can put
5 them in, but they're going to get cut out and then --

6 TRUSTEE MILEY: I understand.

7 MR. HEYDINGER: -- we'll be in a position
8 with our plan showing them how do -- how do we do
9 that.

10 NICK SHEETS: And I think the existing
11 trees we have there where there are big circles in
12 there, that's what they'll look like.

13 TRUSTEE SKINNER: I think if we had trees
14 on the east side where Charlie's mentioning --

15 MR. HEYDINGER: And, like I said --

16 TRUSTEE SKINNER: -- it will be too
17 cluttered.

18 MR. HEYDINGER: -- this is right between
19 that tree line all the way -- that comes all the way
20 down and then turns the corner.

21 TRUSTEE SKINNER: Thoughts?

22 TRUSTEE STEGNER: I like it the way it is.

23 TRUSTEE SKINNER: The way it is?

24 NICK SHEETS: I know we looked at that and
25 know we can fit probably -- maybe one on the south

1 side of that detention pond.

2 TRUSTEE SKINNER: Is that what you would
3 want, Charlie?

4 TRUSTEE MILEY: I just -- The whole thing
5 kind of lies around we have the standards for a
6 planned commercial district, and that includes the
7 trees and that kind of stuff, and there is -- there's
8 a lot of things that don't meet our zoning for
9 planned commercial, and I think if we let some of
10 those slide now -- This is our first commercial
11 development, if we let it slide now, is that going to
12 let the next person slide?

13 And the trustees are not against this
14 development. People kind of implied that we're
15 against it. We know that development's coming, and
16 we know that commercial is better than houses, but we
17 want to make sure that, since this is the first one,
18 that it meets everything we've got -- The planned
19 commercial district has been part of our
20 comprehensive plan.

21 You know, we ask people to serve on those
22 boards when it's time to rewrite the comprehensive
23 plan, and we struggle to get people to do it. We
24 struggle to get people to be on our Boards that
25 review all these things.

1 But the community came up with this
2 comprehensive plan, and that's for the whole
3 township, what we want the township to look like in
4 the future, 'cause, you know, I might not be here,
5 you might not be here, but we want to set it up for
6 people in the future, for our kids to move up here or
7 live here.

8 I mean, my grandkids are the fifth
9 generation in the township, so we've been here a
10 while. I've been here 70 years. Every house I've
11 lived in I can see from my house right now, except
12 for some of the trees.

13 So it's not like we're against
14 development. It's just, planned commercial has
15 certain rules and certain requirements, and not all
16 of those are being met, and that's why we're talking
17 about trees and we're talking about parking lots.

18 I'm sure at the very beginning, you know,
19 it was not planned to ever get this big, but maybe
20 you don't know that the parking lot on the west side
21 of the street was against the zoning from the very
22 beginning. That wasn't allowed. We were told that
23 was going to be an overflow parking lot.

24 How many of you have been by there and
25 know that it's the primary parking lot? I mean,

1 those things have changed over time without any
2 township input. So we just want to make sure that
3 all the rules are being followed for a planned
4 commercial district. You know, that's different than
5 residential. So that's kind of my take on some of
6 this stuff.

7 And, you know, this is the first one I've
8 ever been in. We've never rezoned anything. They
9 rezoned Augspurgen's, the horse farm there on 42,
10 that was the first thing that was ever rezoned
11 commercial in the township. So it's been a long time
12 since anything was rezoned. But I just want to make
13 sure that we have everything that complies with
14 planned commercial district.

15 Hi, Mr. Shade.

16 DAVID SHADE: Mr. Miley. How are you,
17 sir?

18 TRUSTEE MILEY: I'm fine, thank you.

19 DAVID SHADE: I've got a comment on that.
20 If this were a straight commercial district, I would
21 absolutely agree with you. Section 5.058 sets up the
22 purposes of a planned commercial and office district
23 and specifically states that part of the purpose is
24 to -- "where the use and layout are known and
25 approved with flexibility per an approved development

1 plan."

2 And I would respectfully suggest that, for
3 example, this plan has far more open space than your
4 plan requires. Flexibility is needed. And if,
5 indeed, you had to comply with every one of those,
6 there would be no reason to make a provision for
7 diversion or divergences.

8 You have the ability to make divergences
9 because every plan is unique in a planned district.
10 This sets no precedent for any other user. Any other
11 user is going to have their own unique property with
12 their own boundaries, their own -- everything about
13 it. Their use will be unique.

14 And if this is going to be changed from
15 this use, they're going to have to come back here and
16 talk to you again. So it does have some divergences
17 based upon the specific needs of the plan. But we
18 think that that was foreseen and, in fact, it was
19 provided for in that you could have divergences.

20 GARRETT GANDEE: Just adding to that, Nick
21 was leaning in to talk to me while David was up
22 there, essentially, if you're talking about setting a
23 precedent and everything David just said about the
24 purpose of divergences, we just have unique site
25 challenges with this site the way it lays out, but

1 Nick would just like to -- Right? You're saying if
2 we can make trees work in those spots that he pointed
3 out, we'll put them in.

4 So if the county engineer says, you know,
5 and if our design is going to comply if we get a few
6 more trees in around that pond or in between the
7 brewery and the inn, he's happy to -- he's happy to
8 do that.

9 So we're really imagining an issue out of
10 trees. It's simply that we just have unique site
11 characteristics, and I don't think being a greenfield
12 site, you know, sort of that planned commercial
13 language, it's anticipating just a generic kind of
14 greenfield district where you would make your own
15 networks of roads and you would line them with trees
16 just like you see they have in the City of Columbus,
17 or a new soccer stadium or something, so.

18 But, Nick, is that appropriate to say,
19 within what the county engineer will allow, you're
20 going to add more trees to what is shown as proposed?

21 NICK SHEETS: Yes.

22 GARRETT GANDEE: If that's acceptable to
23 the trustees.

24 TRUSTEE SKINNER: Comments on the trees?

25 TRUSTEE MILEY: I'm done with the trees.

1 TRUSTEE SKINNER: Okay. Did you want one
2 near the detention pond, at the very southeast?

3 TRUSTEE MILEY: As much as you can comply
4 with our planning district, I think you should. If
5 it's only one tree, at least we can say, "Hey, it
6 comes closer to meeting our planned commercial than
7 it did before."

8 NICK SHEETS: I can do that.

9 DAVID SHADE: I just have one follow-up
10 comment. We've heard a lot about traffic, and
11 traffic is always a concern in zoning. If there
12 wasn't -- if this wasn't here at all, it would still
13 be a concern.

14 But as long ago as 1959 the Supreme Court
15 of Ohio ruled in the case of Killeen Realty Company
16 versus East Cleveland that traffic concerns aren't a
17 matter of zoning. But this plan isn't just a zoning
18 plan.

19 You've got -- In Delaware County we are
20 blessed with a really outstanding engineer's office,
21 and all of these road -- their final engineering is
22 yet to be completed and approved. They're still
23 finalizing traffic studies and things like that.
24 Part of the plan is compliance with whatever the
25 county engineer says they have to do, and that will

1 be done.

2 TRUSTEE SKINNER: I think we can go down
3 through the zoning text.

4 TRUSTEE MILEY: Sure.

5 TRUSTEE SKINNER: Their divergences
6 requested.

7 TRUSTEE MILEY: That's what I'm looking at
8 right now.

9 TRUSTEE SKINNER: We'll start with 7a. So
10 7a, they're requesting a divergence from the paving
11 requirements. Let me see. Applicant shall provide
12 gravel surfaces for certain existing and future
13 installation of expanded gravel parking areas within
14 the development.

15 So the gravel and grassy areas are the
16 west parking lot and the northeast parking lot.
17 Those are the gravel and grassy areas. So are you
18 guys okay with those staying gravel and grassy?

19 TRUSTEE STEGNER: Yes.

20 TRUSTEE SKINNER: Okay. So letter b --

21 TRUSTEE MILEY: Well, again, is it going
22 to be agricultural or is it commercial?

23 TRUSTEE SKINNER: This is --

24 TRUSTEE MILEY: Because our planned
25 commercial development requires this to be paved.

1 And I know that's the divergence they're asking for.

2 TRUSTEE SKINNER: Yes. But their inn and
3 tavern parking area will be paved.

4 TRUSTEE MILEY: We're not talking about
5 the inn and the tavern. We're talking about the west
6 side of the road.

7 TRUSTEE SKINNER: Yes. So, I mean, you
8 can read it there, 7a.

9 TRUSTEE MILEY: I have read it.

10 TRUSTEE SKINNER: And they did add the
11 wording about the dust mitigation, dust control.

12 TRUSTEE MILEY: I saw that.

13 TRUSTEE SKINNER: Okay. Well, we're just
14 going through it.

15 So letter b, the 10-foot buffer zone of
16 landscaping adjacent to all boundaries, including
17 street frontage, with one tree per 40 lineal feet of
18 boundary, and a continuous 6-foot high planting,
19 hedge, fence, wall or earthen mound.

20 They're requesting a divergence, no
21 mounding -- Let's see. Just following the landscape
22 plan, so no mound, no tree per 40 feet of linear
23 boundary. None of that stuff that I just mentioned,
24 no hedge, no fence, no wall, no earthen mound.

25 But what they are doing is providing --

1 everything that is already there will remain in
2 existence, and then they're going to add the 12 trees
3 on the west side of North Old State Road, where they
4 have them proposed, and one tree on the east side of
5 the road south of the detention pond, if you still
6 want that, Charlie.

7 TRUSTEE MILEY: Yes. If I can get one,
8 I'll get one.

9 TRUSTEE SKINNER: Are we okay with that?
10 The number of trees.

11 NICK SHEETS: And that would also have
12 full landscaping where the walking trail is proposed.

13 TRUSTEE SKINNER: Yes.

14 NICK SHEETS: All the way down this
15 property line.

16 TRUSTEE SKINNER: Yes.

17 TRUSTEE MILEY: I have a question about
18 are you responsible, then, for replacement of those
19 trees? Because I've never seen anybody plant river
20 birch that has been very successful.

21 NICK SHEETS: Right. I think -- That's a
22 great question. I think we would probably go with
23 whatever is the hardiest plant.

24 TRUSTEE MILEY: I notice that there's only
25 a few maple trees in there and there's a lot of

1 other, I mean, I know you want some kind of
2 divergence, but I would think you'd also want to
3 plant something with a little more longevity than
4 some of the plants that are in there.

5 NICK SHEETS: I let the landscape
6 architects put that together.

7 TRUSTEE MILEY: I know.

8 NICK SHEETS: I think it's a mix of
9 screening, deciduous, and, you know, conifers, and
10 things like that for screening.

11 GARRETT GANDEE: All of the large street
12 trees are maple.

13 NICK SHEETS: All the street trees are
14 maples.

15 TRUSTEE MILEY: Right --

16 NICK SHEETS: If you want --

17 TRUSTEE MILEY: -- along that path.

18 NICK SHEETS: -- it along there, we have
19 to provide something with, probably something more on
20 the basis to screen the neighbor's property, as
21 people walk past it.

22 TRUSTEE MILEY: But replacement of dead
23 trees, who's responsible for that?

24 I know down where I work, when they get a
25 dead tree, they've got six months to replace it.

1 NICK SHEETS: I think, I mean --

2 TRUSTEE MILEY: And I don't want to be
3 that picky, but --

4 UNIDENTIFIED FEMALE SPEAKER: But you are.

5 NICK SHEETS: I mean, ultimately, we're
6 going to have to work out an easement for that and
7 work out maintenance responsibilities and all that
8 too. So, I mean, if there's a certain time frame, if
9 something dies you want me to replace, I mean, we can
10 put a time frame on it. But I think, ultimately,
11 we're going to have to -- we're going to have to --
12 because I have to put all that in an easement, and
13 we're going to have to work out what that maintenance
14 looks like.

15 TRUSTEE MILEY: Is that easement you're
16 going to be responsible for or the township is going
17 to be responsible for?

18 GARRETT GANDEE: The landscaping that
19 we're talking about is outside of this public pathway
20 easement, so it would likely -- I can't tell you the
21 legal answer, but it would likely -- our assumption
22 is that Nick would be replacing the required trees,
23 you know, if they died.

24 TRUSTEE MILEY: Okay.

25 GARRETT GANDEE: Nick, can you comment to

1 that, if they die . . .

2 THE STENOGRAPHER: Could you keep your
3 voice up, please. I can't hear you.

4 NICK SHEETS: Yes. I apologize.
5 I will replant.

6 TRUSTEE SKINNER: Do you want me to keep
7 going down the zoning?

8 TRUSTEE MILEY: Yes.

9 TRUSTEE SKINNER: Okay. So No. 7, letter
10 c, interior landscaping for vehicle use areas.
11 Requesting divergence. Applicant requests a
12 divergence from this standard for minimum landscape
13 areas within the parking area or vehicular area on
14 the northeast parking area, noting the applicant is
15 providing and exceeding the landscaped areas within
16 two other parking areas on the property.

17 So 7c is asking for no interior
18 landscaping for the east -- northeast parking lot.

19 TRUSTEE STEGNER: Which, that's a grass
20 lot.

21 TRUSTEE SKINNER: The grass lot. Are we
22 okay with that divergence?

23 TRUSTEE STEGNER: I would be.

24 TRUSTEE MILEY: I would live with it, but,
25 again, it does not fit our comprehensive plan.

1 Planned commercial.

2 TRUSTEE SKINNER: And that's the smaller
3 parking lot . . .

4 THE STENOGRAPHER: I'm sorry. What?

5 TRUSTEE SKINNER: It's the small parking
6 lot next to our cemetery.

7 Okay?

8 TRUSTEE MILEY: I said I was okay other
9 than that reason.

10 So 7d, again, talking about interior
11 landscaping for a vehicular use area. Minimum trees.
12 A minimum of six trees are required for the northeast
13 park area, and zero trees are provided in the gravel
14 parking area. And a minimum of 26 trees are required
15 for the west parking area, and zero trees are being
16 provided in the gravel parking area. So they're just
17 requesting a divergence to have no trees in the
18 northeast and the west parking lot -- parking areas.

19 Are we okay with that one?

20 TRUSTEE MILEY: Again, it doesn't fit
21 planned commercial requirements.

22 TRUSTEE SKINNER: I know. We're working
23 through this. You can have them add them in if you
24 so want.

25 UNIDENTIFIED FEMALE SPEAKER: Is it

1 because they're trying to showcase agriculture?

2 CHRIS RINEHART: Are we done with public
3 comments?

4 TRUSTEE SKINNER: We're done with -- yeah,
5 we already did the public.

6 But there are some in, I know in the west
7 parking lot there are some landscaped islands,
8 they're not trees, but there's plants. There's a few
9 in there. I don't know how many. But if we want to
10 require some trees in there, it's big enough we
11 could. This is why we're going through it. So I'll
12 take thoughts.

13 NICK SHEETS: Comment?

14 TRUSTEE SKINNER: Comments.

15 GARRETT GANDEE: Yeah, it's Nick's
16 aesthetic vision that's really the answer to those
17 two lots.

18 If you could explain that.

19 NICK SHEETS: Yeah, the reason why we
20 didn't want those trees there is we have grasses that
21 will be planted as pictured, but it was to maintain
22 that open field look and the aesthetics across the
23 street. We feel if we plant a bunch of trees there,
24 it will look even more like a parking lot and not an
25 open field where each year, you know, a lot of our

1 guests come out to see those fields. Sometimes they
2 have the opportunity to see a harvest and you'll seen
3 them out there watching.

4 So I believe putting trees in there would
5 take away from the aesthetics of the field, and
6 that's what we want to maintain is that open field
7 look.

8 TRUSTEE STEGNER: At one time, Nick, you
9 had talked about putting in an apple orchard. Maybe
10 some of these trees could be apple trees.

11 TRUSTEE SKINNER: The only problem with
12 that is apple trees are not hardy, I wouldn't think.

13 NICK SHEETS: And they probably wouldn't
14 do well in a gravel lot. I don't know anything about
15 apple trees at this point.

16 GARRETT GANDEE: Is it true, Nick, when
17 the northeast lot was part of the site review, the
18 township . . .

19 THE STENOGRAPHER: I can't hear you.

20 GARRETT GANDEE: Sorry. I'm asking Nick
21 here.

22 The northeast lot, right, that we're
23 talking about, that area is -- that parking lot area
24 was already approved and designed and it went through
25 township and county review, this lot up here.

1 So it's really -- so when it comes to the
2 northeast lot, if you approve of the way that lot,
3 you know, looks, he's putting it in because he is now
4 rezoning the area so he's trying to be thorough and
5 listing anything that didn't meet, almost as if he
6 had never built this. I don't know if that provides
7 clarity as far as that particular parking lot goes.

8 TRUSTEE SKINNER: Thoughts about that?

9 TRUSTEE MILEY: Well, along the parking
10 lot, right there where it says "West Street
11 Frontage," isn't that what that says? I need to dial
12 in my glasses.

13 TRUSTEE SKINNER: Yes, west street
14 frontage.

15 TRUSTEE MILEY: You've got plans for your
16 two septic fields there. That would have to remain
17 grassy area, correct?

18 NICK SHEETS: Correct.

19 TRUSTEE MILEY: Because you can't farm
20 over top of them or put a parking lot on them.

21 NICK SHEETS: That's why it's included in
22 the grass area reserves.

23 TRUSTEE MILEY: Okay.

24 NICK SHEETS: And whatever's currently
25 grass and where -- the leach fields will have to be

1 grass, yes, so they would not be blocking.

2 TRUSTEE MILEY: I'd just also point out
3 that some of your diagrams still have 91 acres listed
4 in the top corner when you changed it to the 30, 27
5 to 30. I don't know if that makes a difference or
6 not.

7 NICK SHEETS: Just a general comment on
8 trees in the parking lot. If you want to see trees
9 there, I don't want that to be a sticking point, if
10 you want to see some trees there, I'll put trees
11 there.

12 TRUSTEE SKINNER: Do you want some trees
13 over there on the west?

14 TRUSTEE MILEY: I think kind of around the
15 perimeter. I'm not saying pack them as close as you
16 did along North Old State on the west side, but a few
17 trees around that parking lot would probably lend to
18 your rural agriculture feel other than a field.

19 NICK SHEETS: If we do put trees in, I
20 would rather put them around the parking spots as, I
21 think it's the island trees, than along the perimeter
22 because those fields are actively farmed and their
23 equipment runs all over those grass areas as well.

24 TRUSTEE MILEY: Well, but the shaded area
25 right there, that's not -- is that going to be

1 farmed, or is that going to be green space?

2 NICK SHEETS: This, whatever is currently
3 grass --

4 TRUSTEE MILEY: Right.

5 NICK SHEETS: -- will be grass.

6 TRUSTEE MILEY: So why couldn't you put
7 some trees along the edge of the parking lot in the
8 grass spaces?

9 NICK SHEETS: You want trees here
10 (indicating)?

11 TRUSTEE MILEY: I'd say closer to the
12 parking lot.

13 NICK SHEETS: Or we could put them in the
14 islands where there's grasses, which I think -- like
15 at this area up here, there's trees within the
16 islands, but that's going to be also blacktop so it's
17 for heat as well.

18 So if you want to see trees, I'll put
19 trees in, but I would prefer to put them around the
20 actual parking spots in these islands where we
21 currently have tall agrees that delineate where the
22 parking is.

23 TRUSTEE MILEY: Well, again, that kind of
24 goes along with our planned commercial, the trees.
25 So, yeah, I guess I would like to see some of those

1 in there just to more comply with the planned
2 commercial district.

3 NICK SHEETS: Okay.

4 TRUSTEE SKINNER: Only on the west parking
5 lot.

6 TRUSTEE MILEY: Yes. That's what we're
7 talking about.

8 TRUSTEE SKINNER: Gotcha. Making sure.

9 All right. That was 7d. So 7e is the
10 last of the divergence requests, and, here again,
11 we're talking about the street tree planting
12 requirements. And everybody knows what they're
13 showing and what we're asking for and what they're
14 asking for, because that's what we've talked about
15 most of this meeting, so I think we're all right with
16 that.

17 TRUSTEE MILEY: Yes.

18 TRUSTEE SKINNER: Let me make sure I don't
19 miss anything.

20 Okay. That's all the divergence requests.

21 Last meeting it was brought up when to end
22 the live outdoor music. Cory doesn't know this yet,
23 but I'm thinking that if we do an overall township
24 resolution or ordinance about no live outdoor music
25 after 10 p.m., that will catch everyone in the

1 township. It will catch Henmick. And will catch all
2 D permits.

3 Are we okay with that, nothing after
4 10 p.m., or do we want to -- I know you had brought
5 up closing times, end of music times, I'm trying to
6 see how we can do on that.

7 TRUSTEE STEGNER: My only problem, I don't
8 want to see a whole township noise ordinance.

9 TRUSTEE SKINNER: I don't either.

10 TRUSTEE STEGNER: You know, I've lived
11 here all my life, just like everyone else. Never had
12 a noise ordinance in Brown Township. I don't feel we
13 need one.

14 That's why I asked, I thought as a, maybe
15 a gentleman's agreement between the township and you
16 so we wouldn't have to go with the noise ordinance,
17 if you'd be willing to put it in writing. I
18 understand you do not want to put it in writing,
19 that's fine, but I hate to see the whole township
20 suffer because Henmick -- we have to put a noise
21 ordinance in because of Henmick.

22 TRUSTEE SKINNER: And a noise ordinance,
23 if we do it township-wide, neighbors could sue
24 neighbors. It just opens up a whole 'nother ball of
25 wax. It could be -- it could get very heated between

1 neighbors. Neighbors could take civil action -- I
2 believe that's what it's called, civil action --
3 against neighbors.

4 CORY COE: My only concern is that's
5 something a little bit outside of this meeting, and
6 since that hasn't been noticed, I don't want to get
7 into a huge discussion about a noise ordinance --

8 TRUSTEE SKINNER: Right.

9 CORY COE: -- since that wouldn't be a
10 part of this public meeting.

11 TRUSTEE SKINNER: Yes.

12 CORY COE: I understand the context, and I
13 understand bringing that up in terms of context, but
14 I just want to be wary that we don't go into a ton of
15 detail about any of those discussions given the scope
16 of this meeting, especially it being a continued
17 meeting.

18 TRUSTEE SKINNER: Very good.

19 DAVID SHADE: So a possible solution, and
20 I agree with Mr. Stegner, Trustee Stegner, on this
21 point, the state statute is very concerning about how
22 it might be applied, and I think the applicant is
23 willing to agree to a ten o'clock limit, which would
24 expire if the township passes a resolution that
25 covers everybody.

1 Our principal concern in agreeing to a
2 time for that is simply that it didn't cover other
3 businesses and treat them equally with the applicant.
4 So it, potentially, gives them a competitive
5 disadvantage.

6 But we would be happy to put in wording
7 that says no live music after ten o'clock unless the
8 township passes an ordinance that covers it in some
9 different way as to all D permit holders.

10 GARRETT GANDEE: Hey, David, that would be
11 outdoor, correct?

12 DAVID SHADE: Outdoor. Outdoor live
13 music.

14 NICK SHEETS: And I still, we would agree
15 to that, but there's other businesses that can
16 currently go as late as they want.

17 TRUSTEE MILEY: Correct.

18 NICK SHEETS: So think about that too.

19 TRUSTEE MILEY: I do. But that wouldn't
20 be fair to you, to limit you and then other ones are
21 open till 11.

22 NICK SHEETS: Right.

23 TRUSTEE MILEY: And I think that's our
24 quandary, do we regulate you or have a noise
25 ordinance for the township. I mean, that's really

1 about the two options we have.

2 DAVID SHADE: Well, I think we'd rather
3 agree to close at ten o'clock than to have the
4 ordinance adopted on the township basis.

5 TRUSTEE MILEY: Right. I think I would
6 too, but it's just, we don't have a lot of options.

7 NICK SHEETS: If it's live outdoor music.

8 TRUSTEE SKINNER: And I believe we can
9 make a resolution, in a regular township trustee
10 meeting, just doing a blanket resolution: No live
11 outdoor music after 10 p.m. for the entire township.
12 Or we could be specific to D permit businesses.

13 Is that something we can do?

14 CORY COE: What is your question? I'm
15 sorry, you talked in a circle there.

16 TRUSTEE SKINNER: I did. I did. I did
17 talk in a circle.

18 So in a regular trustee meeting, so August
19 13th is our next one, could we just make a blanket
20 resolution during that meeting, just a resolution
21 during that meeting stating no outdoor -- no live
22 outdoor music after 10 p.m., and we can either say
23 for the entire township or for D permit holders?
24 That's something we could do and is easily enforce.

25 CORY COE: You could. I think the

1 concerns that were raised about singling out
2 businesses is a valid concern, and that would be what
3 my legal advice always would be in any situation is
4 once you start singling out certain
5 establishments/people, those would be things, in a
6 general sense, that I would advise against.

7 But certainly it would be within the
8 purview of the township to put in a noise ordinance
9 in some capacity if that's what the vote is and
10 that's what the trustees want to do. That is
11 statutorily one of the powers given to trustees of a
12 township is to pass a noise ordinance. That's
13 something that you would be permitted to do if you
14 chose to.

15 TRUSTEE SKINNER: Okay.

16 TRUSTEE MILEY: Could we make that
17 specific as to live music and not barking dogs and
18 people gunning their engines and stuff? Can you make
19 it that specific?

20 CORY COE: That becomes a little more
21 problematic because then you're asking whom exactly
22 to be the police of that, and how to prove that, and
23 where the noise is coming from, versus a dog, a
24 backfiring vehicle, someone's drum. I mean, I'm not
25 saying it's impossible, I'm saying it's difficult to

1 do that.

2 TRUSTEE MILEY: I just know some of the
3 other townships have a noise ordinance and --

4 CORY COE: Sure.

5 TRUSTEE MILEY: -- people get in the weeds
6 about the neighbor's lawn mower running after
7 ten o'clock.

8 CORY COE: Much like this conversation, it
9 gets confusing because people may not have an
10 understanding of what it is, the people that are
11 enforcing it may not have an understanding of what it
12 is because it's different in each township.

13 And so my advice, if we go down that -- if
14 the trustees want to go down that path, is just to be
15 consistent amongst everybody in whatever that looks
16 like. As long as it's consistent amongst everyone,
17 that would be the most fair and equal way of doing
18 it.

19 TRUSTEE SKINNER: So don't target D permit
20 holders.

21 TRUSTEE STEGNER: That's why I was asking
22 for, like, a gentleman's agreement.

23 DAVID SHADE: We are still willing to do
24 that.

25 TRUSTEE STEGNER: Yeah.

1 DAVID SHADE: And, you know, I would use
2 considerable caution before I apply that to every
3 residential use in the township. You can do just D
4 permit holders, and I think you can limit the scope
5 of that, but you're really going to open a can of
6 worms if you make it every residence.

7 If somebody has an emergency generator and
8 it goes on in the middle of the night, all right?
9 You're going to, you know, and you're going to have
10 people suing each other and --

11 TRUSTEE MILEY: Well, I think we know the
12 pitfalls. We're just trying to get information how
13 to avoid them.

14 NICK SHEETS: If it's live outdoor music,
15 we can have a gentleman's agreement. But, still,
16 Kilbourne Market still goes longer than that. And if
17 it's that, that's fine.

18 TRUSTEE MILEY: That was one of the
19 questions I had. If Nick makes this gentleman's
20 agreement and somebody else comes in and wants to
21 open a bar down on Bowtown Road, can we say to them:
22 We've got a gentleman's agreement with Henmick at
23 ten o'clock, would you agree to that also?

24 TRUSTEE SKINNER: We'll have to make --

25 CORY COE: To be honest with you, I have

1 difficulty with anything called a "gentleman's
2 agreement" in 2024, and that's no offense to the
3 applicant or the trustees, but as your legal advisor,
4 anything deemed a gentleman's agreement is probably
5 not going to pass my smell test, for what that's
6 worth.

7 DAVID SHADE: Nor mine.

8 CORY COE: That's fine. But in a general
9 sense, because, again, I don't want to go too far
10 down the path, but Revised Code 505.172 is Noise
11 Control, it allows the trustees -- generally, they
12 may adopt regulations and orders that are necessary
13 to control noise within the unincorporated territory
14 of the township that is generated at any premises to
15 which a D permit has been issued by the Division of
16 Liquor Control, and it goes on.

17 So, my point being, there is an ability
18 to, I don't want to say "target," but to focus on
19 those areas. That's just a conversation for another
20 day that the trustees will have to have that full
21 discussion.

22 TRUSTEE STEGNER: Well, there are only
23 two, the Market and Henmick.

24 TRUSTEE MILEY: At this point.

25 TRUSTEE STEGNER: Correct. Correct.

1 NICK SHEETS: Also, just to clarify too,
2 our live outdoor music most of the time stops at
3 nine, on a rare occasion it goes to ten. So a
4 gentlemen's agreement, yes, but we're already
5 demonstrating that the last three years we've been
6 open, that our music typically shuts down somewhere
7 between nine and ten.

8 DAVID SHADE: If we're agreeing to that,
9 you . . .

10 THE STENOGRAPHER: I can't hear you.

11 DAVID SHADE: We should add to the text,
12 if that's going to be the agreement, and make it a
13 proper agreement. But I would like the escape clause
14 that if the county -- or, if the township later
15 adopts the 505 resolution, it applies to everybody,
16 and that's what we'd live by.

17 TRUSTEE SKINNER: Okay.

18 TRUSTEE MILEY: Again, I trust you guys to
19 do the right thing, but it worries me in the future
20 if somebody buys 70 or 80 acres and decides to put a
21 Polaris amphitheater in, you know, what are we going
22 to do then? Because they're going to have -- Don't
23 take this the wrong way, Mr. Sheets -- they're going
24 to have city lawyers that are going to find a
25 period's in the wrong place and overturn the whole

1 thing.

2 NICK SHEETS: I had one of those, and I
3 got rid of her.

4 (Laughter.)

5 TRUSTEE MILEY: I know that, but the next
6 development coming --

7 NICK SHEETS: But they'd have to go
8 through the same process.

9 TRUSTEE MILEY: I understand that too, but
10 if we kind of let a divergence go now, they can say,
11 "Well, you gave him a divergence" and that opens this
12 up to litigation also. I mean, I'm just stating
13 that. I'm not saying that's what's going to happen.

14 NICK SHEETS: Yeah.

15 TRUSTEE MILEY: And that's kind of why I'm
16 kind of being a stickler on the rules.

17 DAVID SHADE: The good news is, I don't
18 think the planned commercial district would allow an
19 amphitheater.

20 TRUSTEE MILEY: Well, something of that
21 scope.

22 GARRETT GANDEE: Yeah, I think there's an
23 element to what Trustee Stegner was saying that, you
24 know, we know you have a mechanism, we know the
25 township has a mechanism through the 505.172 to set a

1 noise ordinance, and just like he was saying, you
2 know, the people of this township, the residents of
3 this township have kind of known how to be good
4 neighbors and follow the rules with each other,
5 self-police each other.

6 I think the two D permit holders in
7 Kilbourne have shown a similar willingness, and I
8 think that in the interim while we're figuring out
9 whether a 505.172 is going to go into effect, I don't
10 think you'll have any problems with the applicant
11 stopping live outdoor music at 10 p.m.

12 TRUSTEE SKINNER: Any other questions from
13 you guys? Comments? Questions?

14 TRUSTEE MILEY: Not on that part.

15 TRUSTEE SKINNER: On anything.

16 TRUSTEE MILEY: Looking at permitted uses,
17 when you go down to 8 and 9, it talks about
18 agritourism. When you originally applied for your
19 permit, you didn't want agritourism. Is that
20 changing, or is that just a catchall for something
21 you want to do?

22 DAVID SHADE: No, there's no plan to have
23 agritourism on this site or agricultural uses other
24 than the --

25 TRUSTEE MILEY: Can we take that out of

1 there, then?

2 DAVID SHADE: Well, you can take it out,
3 but I think you still can't regulate it if somebody's
4 doing agritourism. Under state law, agritourism is
5 exempted from zoning, so.

6 NICK SHEETS: I didn't want to limit
7 myself to any specialty agriculture.

8 DAVID SHADE: Do you have a problem with
9 striking that?

10 NICK SHEETS: I don't have a problem.

11 DAVID SHADE: I'm not sure it accomplishes
12 much, but you can strike it.

13 TRUSTEE MILEY: And then in No. 9 it talks
14 about auto repair, washing, and detailing for
15 commercial vehicles. Is that really something that
16 you want to do on that site?

17 DAVID SHADE: It says "used in the
18 business."

19 NICK SHEETS: Business-use vehicles.

20 TRUSTEE MILEY: Oh, okay.

21 TRUSTEE SKINNER: Their own vehicles.

22 TRUSTEE MILEY: I didn't underline far
23 enough.

24 TRUSTEE SKINNER: Just to clarify it, Ohio
25 state agritourism law, Henmick/Nick Sheets does not

1 have to work with us at all. They could have used
2 that law. They could have put in whatever they
3 wanted. We would have had no say. So they are
4 working with us and I, for one -- I think we all
5 appreciate it, that they're wanting to go through
6 this process, wanting us to help each other and put
7 in what gets put in.

8 TRUSTEE MILEY: On to the nitty-gritty.
9 When GHG proposed their plans for Kilbourne, the
10 elevations were of all four sides of the building,
11 and we don't have those for this. Especially the
12 hotel. And there are some additional buildings that
13 you were going to put a little bit farther back, and
14 I forget exactly what the label was for those.

15 NICK SHEETS: They're pavilions.

16 TRUSTEE MILEY: The small ones?

17 NICK SHEETS: Yeah. Just to the east of
18 the inn?

19 TRUSTEE MILEY: Yes.

20 NICK SHEETS: They're like outdoor
21 shelter/pavilions.

22 TRUSTEE MILEY: Like 720 square feet or
23 something.

24 NICK SHEETS: They're like one-story,
25 outdoor shelters.

1 UNIDENTIFIED FEMALE SPEAKER: They're
2 gazebos.

3 NICK SHEETS: They're gazebos.

4 TRUSTEE MILEY: Well, I'd like to see some
5 plans for those, too. And then the rear plan for
6 where the basement comes out onto the courtyard, that
7 elevation I think would be important.

8 Again, when you give us those elevations,
9 that's what we can say, yeah, that's part of your
10 plan and go ahead with it.

11 (Discussion between trustees.)

12 THE STENOGRAPHER: Is this supposed to be
13 off the record?

14 TRUSTEE SKINNER: Nothing should be off
15 the record.

16 THE STENOGRAPHER: Well, I can't hear you.

17 TRUSTEE SKINNER: We're talking about the
18 path behind Henmick that goes down to Alum Creek.

19 TRUSTEE MILEY: There's a diagram
20 someplace.

21 TRUSTEE SKINNER: Nick, I guess we have
22 another question for you. These two brought it up.
23 The path behind Henmick that goes to the ODNR Army
24 Corps land down to Alum Creek, what are your
25 permitted uses for that?

1 NICK SHEETS: We are -- So the Ohio
2 Horseman's Council -- So we have horses that come up,
3 now that they know we have a brewery, that come up
4 521, and so the plan was, because Bobbi Arters from
5 the Ohio Horseman's Council approached me about how
6 can we get them on your property.

7 So, it's been a while, we petitioned the
8 ODNR and then petitioned the Corps of Engineers to
9 allow us, as drawn and submitted, I think we might
10 have submitted this too, horse trails or trails,
11 allowed to maintain those on our property, but also
12 on Corps of Engineers' properties, and the Corps of
13 Engineers agreed.

14 TRUSTEE STEGNER: What about the kayakers?

15 NICK SHEETS: Huh?

16 TRUSTEE STEGNER: What about the kayakers?

17 NICK SHEETS: They were put in as horse
18 trails. I mean, it's public lands. So I don't think
19 you could --

20 UNIDENTIFIED MALE SPEAKER: Public
21 hunting, yeah.

22 NICK SHEETS: They were put in as horse
23 trails.

24 TRUSTEE MILEY: That's the map that
25 ODNR --

1 NICK SHEETS: We were asked to help to
2 make it safe, and we petitioned to get some horse
3 trails. That's off my property.

4 GARRETT GANDEE: I think I can -- I'd be
5 happy to speak to that. So Nick wanted two things.

6 Right? You wanted a way for horses to get
7 off of North Old State in a more safe manner, and you
8 also wanted a way to get kayakers that were coming,
9 trespassing, they were kayaking up to the sandbar
10 behind the building, trying to come up. He wanted to
11 give them a safe way, for both parties, to do those
12 types of things.

13 He knew that he can't go and brush hog off
14 of his property so, again, on this question, we're
15 talking about a piece of property that's off of
16 Henmick property, so it's not even part of the
17 rezoning property. This is on federal land.

18 But I guess to show so he dots his Is and
19 crosses his Ts, before he even set foot on federal
20 property to make any access points or do any brush
21 hogging, he got with Bobbi Arters, the head of the
22 Ohio Horseman's Council, they approached ODNR.

23 ODNR went and talked with them about what
24 they wanted to do. They said, "That sounds good, but
25 we need permission from the Army Corps."

1 They went to the Army Corps and got a
2 letter of permission that now either Henmick or the
3 Ohio Horseman's Council can brush hog that area as
4 necessary.

5 So does that answer the question? It's
6 not listed as a permitted use because we're talking
7 about areas that are not on Henmick, LLC property,
8 and it really was something we were doing under a
9 slide back on July 8th, it was showing that the
10 area ties into the surrounding land uses, and that it
11 incorporates the federal park, and it incorporates
12 the, you know, the horseback riding and all the
13 people in the surrounding area.

14 So does that answer the question on that
15 one?

16 TRUSTEE MILEY: Yes.

17 GARRETT GANDEE: Okay.

18 TRUSTEE SKINNER: Are you doing okay? Do
19 you need a break?

20 THE STENOGRAPHER: I'm okay. Thanks.

21 TRUSTEE SKINNER: Okay.

22 GARRETT GANDEE: You guys can keep going.
23 It's going to take me a minute, but we have a rear
24 elevation of that building if you want to see it.

25 (Discussion between trustees.)

1 CORY COE: You guys need to speak up so
2 the court reporter can hear you since this is a
3 public meeting. It has to be verbalized out loud so
4 the court reporter and the public can hear you.

5 TRUSTEE SKINNER: We do forget that.

6 I was just pointing out transcripts are
7 \$1500 each.

8 THE STENOGRAPHER: It depends on how long
9 they are.

10 TRUSTEE SKINNER: Yes. Yes. And this
11 will be number four.

12 TRUSTEE MILEY: And I stated I just want
13 to get it right. If we continue it, I want it to be
14 right.

15 GARRETT GANDEE: Sorry about this. If we
16 can find the elevation, I think it would answer a
17 question now and we won't have to come back and show
18 you?

19 TRUSTEE MILEY: I want to see this.

20 TRUSTEE SKINNER: We put you on the spot.

21 UNIDENTIFIED MALE SPEAKER: CrowdStrike?

22 GARRETT GANDEE: Yeah. We had a major
23 worldwide tech outage that appears to be affecting
24 us.

25 Connie, can you give us the Brown Township

1 WiFi password?

2 TRUSTEE SKINNER: Yep.

3 TRUSTEE MILEY: Oh, man.

4 GARRETT GANDEE: On the record?

5 TRUSTEE SKINNER: Not on the record.

6 GARRETT GANDEE: You can type it in here,
7 if that helps.

8 DAVID SHADE: So, for the record, we tried
9 to get all of your concerns noted so that we could be
10 prepared and do these things.

11 I think an option that we would be willing
12 to entertain, if you want those things, is to
13 treat -- adopt the zoning tonight, and we would agree
14 that we would treat the plan as a preliminary plan
15 for purposes of what we're doing subject to providing
16 you those elevations. But we -- I don't think we're
17 going to come up with them tonight because we didn't
18 know you needed them.

19 TRUSTEE MILEY: Well, those elevations,
20 then, would be part of the --

21 DAVID SHADE: Development plan.

22 TRUSTEE MILEY: Even if they weren't
23 available when we approved this.

24 DAVID SHADE: You wouldn't approve the
25 final development plan until you got them.

1 GARRETT GANDEE: I'm going to put it on
2 the screen here, the elevation.

3 If I remember right, too, in the submittal
4 requirements for the zoning application it does not
5 specify elevations of all four sides of a building.
6 So they're very much conceptual renderings, and so I
7 don't think there's a technicality here where we're
8 missing a required provision of the submittal from
9 what I looked at back at the table.

10 There we go. Finally.

11 That would be the east elevation.

12 TRUSTEE SKINNER: I can't read that far.
13 What are the elevations?

14 GARRETT GANDEE: By "elevation," that just
15 means a picture of the front of a building in
16 architecture-speak. "Elevation" doesn't mean, like
17 in topography where you have feet, you know? It's
18 only to give you folks an idea of what is the nature
19 of the building that Henmick is proposing to build.
20 So a building has an elevation from every view that a
21 person would see if they were standing on the ground
22 looking at the building.

23 And you were right, the rear elevation
24 wasn't in that packet.

25 If you want to see any more detail, we

1 actually have more.

2 TRUSTEE MILEY: What about the north and
3 south then.

4 GARRETT GANDEE: Yeah.

5 TRUSTEE MILEY: Because the west was in
6 your original plan.

7 GARRETT GANDEE: Yeah.

8 TRUSTEE SKINNER: There we go.

9 TRUSTEE MILEY: Is that little building to
10 the right one of the pavilions?

11 NICK SHEETS: Yes.

12 TRUSTEE MILEY: See, it makes it easier to
13 approve this when we see what the plans are. I mean,
14 all we had to begin with was the front elevation,
15 which just looked like a farmhouse, a large farmhouse
16 for an inn.

17 TRUSTEE SKINNER: Do you have any plans
18 you can show us the details, I forget the building
19 letters, you're going to put, like, extend a couple
20 of buildings. Were they H or D?

21 NICK SHEETS: The existence structures?

22 TRUSTEE SKINNER: Yes. You were going to
23 extend them, like outdoor meeting spaces, outdoor
24 catering spaces. Do you have any plans showing that?

25 NICK SHEETS: No. It's going to look just

1 like the horse barn that's there, except we're going
2 to have a wing on it.

3 TRUSTEE SKINNER: A wing?

4 NICK SHEETS: Same elevation. Same
5 height.

6 TRUSTEE MILEY: Is this side east or west,
7 or what?

8 NICK SHEETS: That's what's going to be
9 visible.

10 GARRETT GANDEE: That's front.

11 TRUSTEE STEGNER: Facing west.

12 GARRETT GANDEE: I'll tell you when we did
13 Kilbourne, when we were going through this process
14 with you folks, we were compliant with the
15 requirements, and when we were talking about existing
16 building modifications, we were only asked to show
17 the building footprint changes.

18 So like there was that old green Knights
19 of Pythias Hall where we showed a bump out of the
20 foundation, and that's, basically, what Nick has
21 followed here.

22 But for the new building that's really
23 going to impact the community, you know, that's why
24 it's nice to have some concept that he's not
25 building, like, a spaceship. You know, you want to

1 know that he's building something that fits the
2 décor.

3 But they really aren't intended at this
4 stage to be even final design renderings. But if you
5 know Henmick and you know what their stuff looks
6 like, you can imagine this is in line.

7 TRUSTEE SKINNER: And Building D and C is
8 what I was referring to, showing any plans --

9 NICK SHEETS: Can you show them the maps
10 of D and C. I can answer those. Do you want to put
11 the site map back up.

12 TRUSTEE MILEY: But having this drawing,
13 we know what the building looks like and if he
14 decides to change it to a flat roof, then he has to
15 come back. We can hold him to the diagram that we
16 approve, correct?

17 DAVID SHADE: I think so.

18 GARRETT GANDEE: When it comes to final
19 development plan, yeah, that's where you can be a
20 little more nitpicky on your details. Yeah, exactly.

21 NICK SHEETS: What building is it, Connie?

22 TRUSTEE SKINNER: D and C.

23 NICK SHEETS: C there's going to be no
24 changes to.

25 TRUSTEE SKINNER: Okay.

1 NICK SHEETS: It's just currently, it's a
2 catchall for four generations of stuff that I'm
3 trying to go through, and I would like to use it in
4 another form.

5 TRUSTEE SKINNER: Okay.

6 NICK SHEETS: So the height doesn't
7 change. Maybe the doors change to glass, but it
8 doesn't change.

9 D, the roofline, if you look from the
10 road, it goes this way. It's a horse barn. It's a
11 pole barn. We would keep the same look, the height
12 would not change, and we would extend it out this way
13 some.

14 TRUSTEE MILEY: To the front, the back, or
15 the side?

16 NICK SHEETS: Towards the house.

17 TRUSTEE MILEY: Towards the side.

18 NICK SHEETS: Towards the side. But we
19 would have it with a pitch this way and a pitch
20 terminating in that. But it would be the same look
21 and nature as all of the other buildings that are
22 there, white/pole barn/farm/country.

23 TRUSTEE MILEY: So you'd have to come back
24 to zoning and get approval for that addition, or are
25 we approving that tonight?

1 GARRETT GANDEE: Yeah, I think you're
2 bringing up a good question. Maybe this is another
3 chance to go back to, like, what we talked about on
4 June 8th.

5 So this final development plan, right,
6 that you're seeing here, this is where he specifies
7 the actual uses he wants to do now, he gets your
8 approval. But before Nick can alter these little
9 buildings you're talking about, before Nick can build
10 the inn, he has to go to your zoning inspector and
11 say, "I need a zoning certificate" to either alter
12 one of these buildings or to build the inn. And the
13 zoning inspector will say, "Great. Let's go back and
14 look at your final development plan."

15 He's tasked with looking at it and going:
16 Does this, what Nick's now showing me now, these
17 plans, he's ready for construction, do these plans
18 meet what he showed in the final development plan?

19 And that was that slide back on July
20 8th where I said you guys have incredible leeway to
21 say, "No, Nick, that's a substantial departure from
22 what we all talked about here, and you're going to
23 have to go back to zoning commission to get approval
24 on that."

25 So we're not getting into the -- You know,

1 the final development plan is important because it
2 takes that broad rezoning it says: This is what he
3 wants to do now, which is up here, and then he still
4 has to get building permits with zoning inspector
5 sign-off for every structure he wants to do.

6 And if it's -- And, again, we can put the
7 criteria up, but if you remember, it was like -- it
8 even had the catchall, like: Anything else that
9 appears to represent a substantial deviation, you
10 know, or departure from what he showed you folks.

11 So he doesn't get to just run off to the
12 building department and say "We're cool," and
13 build -- and start building these things that you're
14 looking at tonight. They're still a conceptual
15 nature. But, generally, that's what he has to do.

16 DAVID SHADE: If you look at the text,
17 page 3, the top paragraph, F, Roman numeral III-F, it
18 says, "The Zoning Commission for Brown Township shall
19 make the determination as to whether a design or
20 development standard change or modification is
21 'substantial,' requiring a filing of an application
22 for a modification to the approved Final Development
23 Plan."

24 So if the zoning inspector looks at it and
25 says, "No, that's not -- it doesn't look like it,"

1 then there's a remedy on that.

2 TRUSTEE MILEY: But if we don't have
3 pictures or diagrams of those additions that he wants
4 to put on, how does the zoning inspector know what
5 they're supposed to look like? Like that addition on
6 the horse barn.

7 DAVID SHADE: Well, it's an existing
8 building as to the size of it and --

9 TRUSTEE MILEY: But you're changing the
10 outside dimensions of it when you add onto it.

11 DAVID SHADE: Well, we can limit those
12 dimensions and state that it will conform to the
13 design and style of the existing building.

14 GARRETT GANDEE: Yeah, the dimensions are
15 on the plan that you received, the alterations to
16 those buildings.

17 TRUSTEE SKINNER: They are.

18 GARRETT GANDEE: And, again, he has very
19 little -- You guys are still in control. Like, you
20 can look at these alterations to the buildings, if
21 they are not what you were expecting, I think, you
22 know -- Cory can correct us if we're wrong -- but you
23 have a lot of leeway to let the zoning commission
24 make a determination on that, on anything he tries to
25 get a zoning permit for.

1 TRUSTEE SKINNER: They are on the plans,
2 the C and D.

3 GARRETT GANDEE: Yes.

4 TRUSTEE MILEY: We don't know what it
5 looks like.

6 TRUSTEE SKINNER: We don't know what it
7 looks likes.

8 TRUSTEE MILEY: It can be a --

9 TRUSTEE SKINNER: Do you have pictures of
10 what it will look like?

11 NICK SHEETS: Not right now.

12 TRUSTEE SKINNER: Drawings.

13 GARRETT GANDEE: Are you talking about a
14 bump-out to one of those little C or D buildings?

15 TRUSTEE SKINNER: Yeah.

16 GARRETT GANDEE: What the outside would
17 look like?

18 NICK SHEETS: Would a quick sketch be
19 okay? I'm serious.

20 GARRETT GANDEE: I would say a lot of them
21 are -- you have homeowners that come in and want to
22 build a pole barn, and some of them print off
23 something randomly off the internet and say, "It's
24 going to look like that." That's that conceptual
25 level.

1 But you can still -- I mean, Nick, could
2 you -- I would imagine Nick could agree that any
3 alterations to those buildings would fit, you know,
4 the overall aesthetic of Henmick and the building
5 itself, and if you determine that you didn't think it
6 was close enough, then you could require the zoning
7 commission to make that decision.

8 TRUSTEE MILEY: Again, I trust you guys to
9 do the right thing. I'm thinking about in the
10 future, the guy that we can't trust.

11 GARRETT GANDEE: And you'll still have
12 that power over that person because, ultimately, they
13 have to get a zoning certificate before any
14 construction can begin.

15 TRUSTEE MILEY: And I think I remember you
16 said you were going to build another building, but
17 you are incorporating the old milk house into that
18 building?

19 NICK SHEETS: I'd like to, if I can. But
20 the thought, we would have a ridgeline that goes this
21 way to about this location down, and it can be the
22 same materials, the same look, probably windows on
23 that side, as the existing structure.

24 TRUSTEE MILEY: But you wouldn't, not that
25 it's a complaint, you wouldn't see the milk house

1 anymore. It would be covered over.

2 NICK SHEETS: It would probably be hard to
3 incorporate it and see it. I mean, I could.

4 TRUSTEE MILEY: Because the corner of that
5 building sticks out farther than the milk house.

6 NICK SHEETS: Yes. It goes back a way.

7 TRUSTEE MILEY: So everything would be
8 flush across the front of that.

9 NICK SHEETS: Yes. But it would look just
10 like this, just like the other structures on site,
11 white, pole barn with a ridgeline that would then go
12 this way and terminate into the side.

13 TRUSTEE SKINNER: What about the building
14 behind it? Is it just patio? What is it, C? Is it
15 C or D back there?

16 NICK SHEETS: This one?

17 TRUSTEE SKINNER: Yes. You were going to
18 do a patio.

19 NICK SHEETS: There's no --

20 TRUSTEE SKINNER: Is this storage?

21 NICK SHEETS: Right now, but we want to
22 use that in the future as part of our zoning plan.

23 TRUSTEE SKINNER: And what are you going
24 to do with that building?

25 NICK SHEETS: That building, really the

1 size isn't -- we're not adding any more size to it.
2 We might put some glass roll-up doors on the front.
3 We could use it as a beer barrel storage room. Maybe
4 a space where people can have a birthday party.

5 TRUSTEE MILEY: Shouldn't the use of those
6 buildings be tied to the building, though, what you
7 plan on using that building for?

8 NICK SHEETS: I have multiple buildings,
9 right?

10 TRUSTEE MILEY: Right. And they should
11 all have uses tied to them. That way we can say,
12 hey, you didn't -- this wasn't a use you wanted for
13 this building.

14 NICK SHEETS: I think we tried to specify
15 what the uses were for types of buildings, like for
16 the inn, the spa, nails, that would support an inn.
17 These other areas, the idea was if I have barrel
18 storage here, or here, or if I have -- somebody can
19 rent a party here or here, I don't know what -- why
20 that would be an issue.

21 GARRETT GANDEE: Hey, Nick, David re-wrote
22 that zoning text.

23 DAVID SHADE: So I think that those
24 buildings relate to the brewpub use and, you know, it
25 doesn't say exactly what you're going to use each

1 picnic table for, but they're all brewpub uses. And
2 either storage or, more likely, multipurpose, you
3 could have a very small group in there, you could
4 have a seminar in there, you could --

5 It's hard to know exactly what you might
6 use it for, and that's why -- the text ties
7 everything to the brewpub use, but it spells out you
8 can have the other subcategories to the extent that
9 they're needed to run the brewpub. So I think it's
10 covered, to be honest.

11 Any other questions?

12 TRUSTEE MILEY: The numbers for the large
13 commercial are still included in there. Can you
14 address that? The Walmart and the Costco, those
15 numbers are still in there on those -- Those numbers
16 that you don't like to use.

17 DAVID SHADE: Yeah.

18 TRUSTEE SKINNER: NAICS or something.

19 DAVID SHADE: NAICS.

20 TRUSTEE MILEY: Yeah, those.

21 CORY COE: Well, while you're looking at
22 that, could I ask a clarifying, maybe, question for
23 myself, legally speaking?

24 TRUSTEE SKINNER: Sure.

25 CORY COE: Garrett, I think you've

1 mentioned a couple times "final plan" versus
2 "preliminary development plan." What is the
3 intention of the plan? I know this is a very general
4 question, but what we're talking about tonight and in
5 previous meetings, is that a preliminary plan or a
6 final development plan?

7 GARRETT GANDEE: I believe Nick's attorney
8 did that. There's two ways you can submit, you can
9 combine them and submit them as one --

10 CORY COE: Correct.

11 GARRETT GANDEE: -- and I believe that her
12 pathway was, when she did it, she combined that final
13 development plan and the zoning in his original
14 application.

15 CORY COE: Okay. Because the application,
16 I think, that's in front of the trustees is labeled
17 as a final, development plan, but you're discussing a
18 secondary final development -- a final-final
19 development plan down the line, and I think that's
20 where maybe some of this confusion is coming from in
21 terms of some of the specifics that some of the
22 questions are coming about from the trustees. That's
23 why I'm trying to guide that.

24 GARRETT GANDEE: When you say that, what
25 were you -- I'm not following completely. We have

1 the final development plan up here. We believe that
2 that clarifies the intended, you know, uses that he
3 wants to apply to the buildings that either exist or
4 he's going to build.

5 What's the next phase that you're
6 referring to, another final development plan?

7 CORY COE: When I'm looking at the Brown
8 Township Zoning Resolution, I'm looking at Section
9 14.10, which is Development Plans, and it speaks
10 about a preliminary development plan that gets filed
11 with an application to rezone a property; it goes
12 into a lot of those details.

13 It describes if that's approved, that can
14 last -- is effective for a period of one year from
15 the date 30 days after the zoning, because there's
16 other legal ramifications.

17 But then there's this sort of a next step
18 that talks about a final development plan, and I
19 think that there's sort of a, I don't want to say two
20 steps, but there's two different designations there
21 in the zoning resolution, and I think that's where
22 maybe some of the questions, at least Trustee Miley's
23 asking for some of the specifics, because this is
24 labeled as a final development plan, meaning this is
25 it.

1 And I think he's asking specific questions
2 to get some of the specifics, the very specific
3 things that he's asking about, and it's being
4 asserted that there is going to be a next stage of
5 that, but it's also being told that this is a final
6 development plan.

7 So that's where I think there's confusion
8 from the board, and if I'm overstepping, I'm sorry,
9 but I think that's where maybe some of the confusion
10 is coming from, because there might be an impression
11 that this is it, and if this is it, where are those
12 specifics? Because there are some concerns about
13 those. So I think there's some semantics here that
14 are confusing the subject.

15 GARRETT GANDEE: Right.

16 DAVID SHADE: So let me address it again.
17 We thought we had all the questions that we -- all of
18 them had been submitted, and we could have easily
19 addressed those things tonight.

20 But what I would suggest is that the
21 option would be to treat this as a -- treat the plan
22 itself as a preliminary development plan and adopt
23 the zoning with that preliminary development plan
24 subject to working out in the final development plan
25 the elevation issues and building issues that you've

1 raised. We're happy with doing it that way if that's
2 what you want to do, but we'd really like to know the
3 scope of the questions that are left open so that we
4 can get closure on this at some point.

5 Did that answer your --

6 TRUSTEE MILEY: It does. But, I mean, we
7 got this kind of late to really do a thorough review.
8 So, I mean, that's why some of the questions came up,
9 because --

10 What, did we get it last Thursday?
11 Friday?

12 DAVID SHADE: But we thought we were
13 getting all the questions the day after the July
14 8th meeting.

15 CORY COE: From a legal perspective,
16 that's not a decision for the trustees to make,
17 that's for the applicants to make, whether this is a
18 preliminary plan pursuant to the zoning resolution or
19 a final development plan.

20 So, from a legal perspective, I would
21 implore them not to make that recommendation to you
22 because I think that's a decision to be made by the
23 applicant, not by the trustees.

24 I mean, if your intention is to bring it
25 in as a final development plan, I think that's fine,

1 like you stated, but that's -- I think that's where
2 some of these confusing questions are coming from,
3 because I think there are some details that -- it
4 sounds like there are still answers looming, I guess.

5 DAVID SHADE: Again, we'd like to request
6 like a five-minute period to caucus and talk among
7 ourselves.

8 TRUSTEE MILEY: Sure.

9 CORY COE: And just so that my points are
10 clear, sorry, I'm looking at the zoning resolution,
11 it's Section 14.10, which is the section we're
12 talking about, it's Development Plans, A talks about
13 preliminary development plans, those requirements;
14 approval period; I think some of the things that were
15 mentioned, the modifications of the development plan
16 and how that would play out; and then D of that
17 section talks about a final development plan, and it
18 continues. So if you want to take a look at that and
19 then --

20 DAVID SHADE: I would agree. No, I don't
21 need to look at it.

22 CORY COE: Okay.

23 DAVID SHADE: I know what it says.

24 We would agree that normally, at this
25 point, most applications would have had a preliminary

1 development plan. They've treated this as a final
2 throughout. That decision was made with other
3 counsel and I'm not going to second-guess it now, but
4 we'd like to talk about it just a little bit.

5 GARRETT GANDEE: Yeah, to clarify my point
6 we believe that this application meets all the
7 criteria for a final development plan, but we'll be
8 happy to, when we come back, talk about any areas
9 that you want more detail on.

10 TRUSTEE SKINNER: It's 7:47.

11 (Recess taken.)

12 TRUSTEE SKINNER: We'll go back on record.
13 What are you thinking?

14 GARRETT GANDEE: Thank you. We needed a
15 moment because we had five different brains going in
16 five different directions, and maybe you guys did
17 too.

18 Okay. So, going back, we believe we meet
19 the criteria for the final development plan. The
20 plan that was presented to you is intended to be the
21 final development plan.

22 We are happy to add the additional
23 renderings of the inn when we finalize our
24 conversation this evening, we can add that to what we
25 submitted so you have that on the record for down the

1 road.

2 When it comes to those two other small
3 buildings, we could have, maybe, a discussion tonight
4 as to what you expect to see with those, or maybe
5 what you wouldn't want us to exceed.

6 And the remedy for this from the
7 township's standpoint, from where we sit, is that any
8 proposed deviations you see down the road to what's
9 on the approved -- the final development plan you
10 vote on tonight, the zoning commission is your review
11 authority, and they have tremendous leeway to say
12 that any deviation you made that shows up on the
13 building plans that are approved doesn't match.

14 So we do believe it would be possible
15 to -- You know what the inn looks like, and we can
16 amended our plan to show all the renderings of the
17 inn, so down the road you should be covered there.
18 When it comes to Buildings C and D and the
19 footprints, those are shown, so you know the
20 direction he's planning to go in those two buildings.

21 Would you want some more clarity from Nick
22 to put on the record so that you know, you know, when
23 it's time for you to evaluate whether you believe
24 they meet the final development plan, if they do or
25 not?

1 TRUSTEE MILEY: I think the more detail we
2 have makes it that much easier to vote for it because
3 it eliminates some of the questions like have come up
4 tonight.

5 TRUSTEE SKINNER: A lot of this is being
6 transparent. Transparency. We just -- we want to
7 see what we're voting on. We want to see what we're
8 getting. We want to see what our residents are
9 getting. It's hard to say, okay, he's just adding
10 onto the building, it's okay. It's hard to do that.

11 GARRETT GANDEE: And I can appreciate that
12 position. That was something that -- If we had known
13 on July 8th there were questions about C and D, we
14 would have come back, we would have had elevations --
15 preliminary conceptual elevations done. I assure you
16 they would be here.

17 In the past, and in Kilbourne, we're
18 talking existing buildings and doing slight
19 modifications. We said what you said we were going
20 to do here, it's to service the brewery. We're
21 showing you a footprint. But, yeah, I mean . . .

22 I'm trying to see what Nick's writing
23 down.

24 Anything you want me to -- I want to make
25 sure we're on the same page.

1 David, can you think of language that you
2 can add to C and D that would, you know, it would be
3 a footprint that does not represent -- the existing
4 height of the existing building, the materials used
5 in the existing building, or the general aesthetic of
6 the existing building?

7 And it would be totally in your discretion
8 to say -- for your zoning commission to say, "No.
9 It's a step too far." Nobody was anticipating, you
10 know, some LED light wall or something, you know, to
11 be a whole wall of the building.

12 TRUSTEE SKINNER: I mean, we have the
13 technical details, we just don't have a picture, if
14 that makes sense.

15 TRUSTEE MILEY: Well, I think we need more
16 of the technical details, too. He's talking a light
17 wall, I mean, that could end up being a part of it.

18 GARRETT GANDEE: The street view would
19 represent -- The Google Street View that we could
20 attach along with the elevations we show of the inn
21 would show the materials, aesthetics, building height
22 I think in sufficient detail for the purposes of this
23 and from what we've seen done in the past.

24 TRUSTEE SKINNER: And I just -- I heard
25 you say you want this to be the final development

1 plan.

2 GARRETT GANDEE: It was our intention that
3 this is the final development plan, yes.

4 TRUSTEE SKINNER: This is the final
5 development plan.

6 TRUSTEE MILEY: But, yet, we want more
7 clarification. So are you still going to call it the
8 final development plan?

9 TRUSTEE SKINNER: Just a lot of times we
10 just, we have to get into a public forum for these
11 questions to be brought up and, you know, sometimes
12 it's difficult. Just like the public comment. We
13 had closed the public comment period, we decided when
14 we got here tonight to reopen it, and we did that,
15 then we reclosed it. So sometimes it takes a while
16 for all this stuff to come out.

17 GARRETT GANDEE: All right. We have a --
18 if it would help, because I think we hear what you're
19 saying and we'll respond.

20 When it comes to Buildings C and D where
21 you would like to have more detail, you can strike
22 those from the final development plan, those expanded
23 footprints. If he wants to do that down the road, he
24 will pursue a modification to the final development
25 plan following the rules outlined in your zoning

1 resolution.

2 TRUSTEE MILEY: Why not go back and draw
3 some plans for it so we can see it and then it's
4 approved?

5 GARRETT GANDEE: Well, that's what we're
6 saying, in the interest of --

7 DAVID SHADE: So, just so we're clear,
8 we're not entirely sure if we treat this as a
9 preliminary development plan, that the final
10 development plan -- then I think the final
11 development plan would have to go back to your
12 planning commission and may not come back to this
13 board.

14 TRUSTEE MILEY: By "planning commission,"
15 what do you mean? Regional planning?

16 DAVID SHADE: I beg your pardon. Your
17 zoning commission.

18 TRUSTEE MILEY: Zoning?

19 DAVID SHADE: Yes.

20 CORY COE: When you're saying that, what
21 are you referring to exactly from a legal
22 perspective? Because that's where my confusion is,
23 and as legal advisor to the board, I do not see that
24 in the zoning resolution.

25 DAVID SHADE: I do not see it word for

1 word, but that's the way it generally works. Okay?

2 CORY COE: But each township has its own
3 zoning resolution, correct?

4 DAVID SHADE: Sure.

5 CORY COE: And that's why I'm trying to
6 advise the board, they need to have an understanding,
7 and it seems like that's where they are ships in the
8 night at this point.

9 DAVID SHADE: Well, I don't know if we're
10 quite that far apart.

11 CORY COE: So for the trustees'
12 perspective, the final development plan, which is
13 14.10 and it's D, talks about the final development
14 plan, and before -- It outlines: "Plan shall include
15 in text and map form the following items." Before
16 that it says -- I take it back. But it says, "all
17 required design features, and the following items in
18 detail satisfactory to the reviewing bodies."

19 So as long as the details -- If this is
20 the final development plan as provided by the
21 applicant, the standard would be that it's "all
22 required design features, and the following items in
23 detail satisfactory to the reviewing body." That's
24 what's outlined in the zoning resolution.

25 TRUSTEE SKINNER: And we don't quite have

1 that yet.

2 CORY COE: Well, that would be a decision
3 up to the reviewing body to make, whatever decision
4 they think is appropriate, based on what's been
5 provided to them.

6 DAVID SHADE: So the boss has spoken. We
7 think that -- because the technical guys are saying
8 they think it meets the requirements, we think it
9 meets the requirements, but we are willing to have it
10 treated as a preliminary development plan for
11 purposes of tonight, adopt the zoning, adopt the plan
12 that's submitted to you as preliminary. I hope that
13 we have a full understanding of the areas that you
14 want more detail on.

15 NICK SHEETS: And the goal is to get you
16 the details you need.

17 TRUSTEE MILEY: That's what I would like.

18 TRUSTEE SKINNER: And if we do that, where
19 would the final development plan -- what body would
20 that go in front of next? When you submit a final
21 development plan, would it go to our zoning
22 commission board? Does it go back to us?

23 TRUSTEE MILEY: It's going to come back to
24 us because they're changing it to a preliminary.

25 CORY COE: "The applicant shall submit 15

1 copies of the final development plan to the Zoning
2 Inspector with the application. Except as provided
3 in Article 14 of the resolution or as provided in the
4 initial rezoning of property to the PC District, the
5 Zoning Commission shall be the review authority for
6 the final development plan."

7 DAVID SHADE: Right.

8 CORY COE: And for purposes of the record,
9 that is -- that would be, again, Section D of 14, I
10 think "-10" I said.

11 TRUSTEE SKINNER: So they would have to do
12 a hearing. The zoning commission board would do a
13 hearing, and then we would do a hearing? Or just the
14 zoning commission would vote on it and it would end?
15 Would we start this process over?

16 CORY COE: I'm reading, because every
17 township is different. So my recollection is that it
18 would go to the zoning commission and that would be
19 the stage for the final development plan.

20 TRUSTEE SKINNER: Okay. Hearing that, we
21 have some decisions to make tonight.

22 TRUSTEE MILEY: So how would we -- would
23 we approve this but make sure that the things we
24 brought up in the meeting were included in that plan?
25 Do you want me to ask them or you?

1 CORY COE: There would need to be a
2 motion. So your job is to approve the recommendation
3 that was given to you by Zoning previously, to deny
4 it, or to approve with modifications. So if you have
5 modifications that you would like to see or that
6 you're approving based on those -- you're making an
7 approval with these modifications, I think you would
8 need to do that in a motion outlining those
9 modifications and then it needs to be voted on.

10 TRUSTEE MILEY: So do we want to make a
11 list of the modifications we would like to see? One
12 was the trees.

13 TRUSTEE SKINNER: Yeah.

14 TRUSTEE MILEY: Did you take any notes on
15 that?

16 TRUSTEE SKINNER: Those are all the
17 divergences (indicating).

18 CORY COE: So Revised Code 519.12 is the
19 section we're dealing with of the Ohio law, it says,
20 "Within twenty days after its public hearing, the
21 township trustees shall either adopt or deny the
22 recommendation of the township zoning commission or
23 adopt some modification of them. If the board denies
24 or modifies the commission's recommendation, a
25 majority vote of the board shall be required."

1 So, basically, what I just outlined, if
2 you state on the record specifically what those
3 modifications would be, and then a vote would be
4 required, and it would need to pass by a majority
5 vote.

6 TRUSTEE SKINNER: And then we're voting --

7 TRUSTEE MILEY: Well, let's make a list of
8 the modifications.

9 TRUSTEE SKINNER: And we're voting on a
10 preliminary development plan, correct? Or do we want
11 to vote on the final?

12 TRUSTEE MILEY: No. This is going to be
13 the final.

14 TRUSTEE SKINNER: This is the final?

15 CORY COE: That would be up to the
16 applicants in terms of what they want to do tonight.

17 TRUSTEE SKINNER: I've got them all. Do
18 you want me to make a motion?

19 TRUSTEE MILEY: No. I want to do the
20 modifications that we want to require along with that
21 first, and do that out loud so that everybody hears
22 what --

23 TRUSTEE SKINNER: Okay.

24 TRUSTEE MILEY: -- what they agree to and
25 what we're requiring, because if we approve this with

1 no modifications, there's no holding their feet to
2 the fire.

3 TRUSTEE SKINNER: Exactly.

4 TRUSTEE MILEY: If we make the
5 modifications part of the motion, then it becomes
6 part of that final plan.

7 TRUSTEE SKINNER: Gotcha.

8 TRUSTEE MILEY: Is that correct?

9 UNIDENTIFIED MALE SPEAKER: Can you guys
10 speak up? Charlie, can you speak up? All three of
11 you, can you speak up so we can hear you?

12 TRUSTEE MILEY: I'm thinking that we need
13 to go through and make our list of modifications so
14 we can include that with the plan, and then make the
15 motion to approve with those modifications, because
16 we talked about them here and we want to make sure
17 that those are part of their -- because this is going
18 to be the final development plan. If the trustees
19 don't vote on it tonight, it goes back to Zoning. So
20 we want to end it tonight, I guess.

21 If we approve this with modifications, the
22 trees that had to be added, he's going to add trees
23 in different areas, we need to list that in there.
24 So it needs to be -- for modifications, as I
25 understand it, it needs to be pretty specific so that

1 there's a path to follow through on. Does that make
2 sense?

3 TRUSTEE SKINNER: Yes.

4 FROM THE FLOOR: I just couldn't hear
5 everything you said, that's all.

6 TRUSTEE MILEY: Okay. That's basically a
7 repeat.

8 TRUSTEE SKINNER: Okay.

9 DAVID SHADE: We think that Trustee Miley
10 set it out very succinctly and well, and we're happy
11 to agree to that.

12 TRUSTEE SKINNER: Okay.

13 TRUSTEE MILEY: So we need our list.

14 TRUSTEE SKINNER: Yep. One of the
15 things -- We would have two motions tonight, one to
16 approve the presented planned commercial and office
17 district, and then one to approve the final
18 development plan with modifications. So let's go
19 through our modifications of things we want.

20 One of the things we talked about was no
21 live music after 10 p.m., but if we put in our own
22 noise ordinance, that could be rescinded. So that
23 was one thing.

24 Another thing was the applicant should
25 retain the existing trees along the right-of-way of

1 North Old State Road, and the addition of the 12
2 trees on the west side of the road and the one tree
3 that Charlie Miley wanted on the east side of the
4 road near the detention pond.

5 Is that --

6 TRUSTEE MILEY: Can we put a sign on that
7 one: Charlie's Tree?

8 TRUSTEE SKINNER: Charlie's tree.

9 NICK SHEETS: You can pick out the
10 species.

11 (Laughter.)

12 GARRETT GANDEE: So the modification,
13 technically, would be to add Charlie's tree, that
14 extra tree, to the area by the retention pond, but
15 otherwise as shown in the plan tonight.

16 TRUSTEE MILEY: Yes.

17 GARRETT GANDEE: Okay.

18 TRUSTEE SKINNER: Another thing, we talked
19 about the trees within the parking areas, and we're
20 specifically talking about the northeast parking and
21 the west parking areas. Charlie had mentioned he
22 wants trees along the perimeter of the west parking
23 lot.

24 NICK SHEETS: That's what we talked about,
25 not perimeter but -- we can show you.

1 TRUSTEE SKINNER: In the islands?

2 TRUSTEE MILEY: That was in the islands.

3 TRUSTEE SKINNER: In the islands.

4 TRUSTEE MILEY: It wasn't along the
5 perimeter.

6 TRUSTEE SKINNER: In islands.

7 TRUSTEE MILEY: We agree it's in the
8 islands. I remember us talking about that.

9 NICK SHEETS: Here (indicating).

10 TRUSTEE SKINNER: Another thing was the
11 interior landscaping for the parking lots.

12 TRUSTEE MILEY: Yeah. Right. That's what
13 he agreed to --

14 TRUSTEE SKINNER: Okay.

15 TRUSTEE MILEY: -- the red dots.

16 TRUSTEE SKINNER: Interior landscaping for
17 the parking lots. So no interior landscaping for the
18 northeast parking lot, there's already some interior
19 landscaping for the west parking lot, and there will
20 be interior landscaping for the paved parking lot.

21 NICK SHEETS: For the inn, yes.

22 TRUSTEE SKINNER: For the inn.

23 NICK SHEETS: Yes.

24 TRUSTEE SKINNER: Another thing was the
25 perimeter landscaping requirements along the road

1 frontage, and this specifically relates to the
2 10-foot mound, fencing, everything else that was in
3 there. Fencing, 10-foot mound, landscaping, and all
4 of those trees.

5 TRUSTEE MILEY: Was the mound removed?

6 TRUSTEE SKINNER: That was 7b.

7 NICK SHEETS: It's not in there.

8 TRUSTEE SKINNER: Yeah.

9 NICK SHEETS: I think it's the 12 trees on
10 the west side we're agreeing to put in there.

11 TRUSTEE MILEY: Right, there's no mound.

12 TRUSTEE SKINNER: And then another thing,
13 another divergence, just stating the northeast and
14 west parking areas will remain gravel and grassy
15 parking areas, and that the inn and tavern parking
16 areas shall be paved. Those were specific
17 divergences they were asking for, plus the no live
18 music after 10 p.m. No live outdoor music after
19 10 p.m.

20 Anything else? This is our one chance to
21 get it right, or try to.

22 DAVID SHADE: I think Trustee Miley wanted
23 us to strike the words "and agritourism," and we
24 agreed to that.

25 TRUSTEE MILEY: Yes.

1 TRUSTEE SKINNER: Thoughts?

2 TRUSTEE MILEY: I think that's all the
3 things we discussed.

4 NICK SHEETS: Just to be clear, you wanted
5 some details on Buildings C and D too, correct?

6 TRUSTEE MILEY: Correct.

7 NICK SHEETS: Okay.

8 TRUSTEE MILEY: And you're going to
9 include the elevations of the inn.

10 NICK SHEETS: We can include what we have.

11 TRUSTEE MILEY: The ones you had tonight,
12 tonight was the first night we'd seen those.

13 GARRETT GANDEE: Yes. And we'll include
14 elevations of similar detail before Buildings C and D
15 are approved for any modifications.

16 TRUSTEE MILEY: Thank you.

17 TRUSTEE SKINNER: So are we thinking --
18 Did we catch it all?

19 TRUSTEE MILEY: I believe we did.

20 TRUSTEE SKINNER: Gary?

21 TRUSTEE STEGNER: Yeah, I believe so.

22 TRUSTEE SKINNER: Okay. Are you sticking
23 me with the motions?

24 TRUSTEE MILEY: Yes, ma'am. You knew what
25 they all were.

1 TRUSTEE SKINNER: I have, specifically I
2 have, like, 28 hours of study into this. I know this
3 team has a lot more. I know there's a few residents
4 over here that have had probably that much or more
5 studying into this. So it's not been taken lightly.

6 I do believe that Nick/Henmick Brewery has
7 had a fair hearing. I think it's all been fair. It
8 may seem drawn out and long, but I think it's been
9 fair. They have worked with us. We've heard from
10 residents. Everyone's taken part, not everyone, but
11 a lot of people have taken part in this entire
12 process, so.

13 And I know it's been said, but this is
14 development we can control. We just lost
15 200-something acres to annexation across from the
16 Byxbe Campus that will now be 1200 rooftops,
17 apartments and houses. We have no say over that.
18 Absolutely zero input. Can't control it at all.
19 It's now the city's obligation. So this is stuff
20 that we can control.

21 I certainly hope we don't get any more
22 annexation, so --

23 TRUSTEE MILEY: Don't hold your breath.

24 TRUSTEE SKINNER: Moving along, so we can
25 finish this, I move to approve the presented Henmick

1 Brewery Planned Commercial and Office District
2 rezoning.

3 TRUSTEE MILEY: I'll second it.

4 TRUSTEE SKINNER: Any further discussion?

5 TRUSTEE STEGNER: No.

6 TRUSTEE SKINNER: All in favor?

7 (Ayes heard.)

8 TRUSTEE SKINNER: All three yes.

9 CORY COE: And just for purposes of the
10 record --

11 TRUSTEE SKINNER: Can we do roll call?

12 CORY COE: Just for the purposes of the
13 record, that's the rezone as well as the preliminary
14 plan with the modifications that were just listed and
15 outlined on the record prior to your motion?

16 TRUSTEE SKINNER: I'll go through the --

17 CORY COE: Okay.

18 TRUSTEE SKINNER: In my next motion I'll
19 go through the modifications.

20 CORY COE: Gotcha.

21 TRUSTEE SKINNER: Should that be a roll
22 call vote, what we just did?

23 CORY COE: It doesn't hurt.

24 TRUSTEE SKINNER: Okay. So Miley.

25 TRUSTEE MILEY: We all voted "aye."

1 TRUSTEE SKINNER: Yes. Miley, aye;
2 Skinner, aye; Stegner, aye. It was across the board.
3 That was an easy one.

4 Next motion, and this is where it gets
5 sticky and everyone's going to help me make sure I
6 don't lose anything --

7 DAVID SHADE: Can I just interrupt for a
8 second? Give me one second.

9 (Discussion between Shade and Coe.)

10 DAVID SHADE: Yeah. So I think in the
11 process of --

12 CORY COE: Can you speak up so that the
13 court reporter and the public can hear?

14 DAVID SHADE: Yes, when you are doing --

15 TRUSTEE MILEY: Hold on a minute. He is
16 bringing the microphone for you. The other
17 microphone.

18 DAVID SHADE: So when it comes to a
19 planned commercial district, I think as a part of the
20 approval of the zoning district, these -- I don't
21 know that you need to read them all in, but they need
22 to be incorporated into your findings.

23 TRUSTEE SKINNER: And what Mr. Shade is
24 referring to is 14.07, Required Findings. "A. That
25 the proposed development is consistent in all aspects

1 with the purpose, criteria, intent, and standards of
2 this Resolution;

3 "B. That the proposed development is in
4 conformity with the comprehensive plan as adopted or
5 concurrently amended or portions thereof as it may
6 apply;

7 "C. That the proposed development
8 promotes health, safety, and general welfare of the
9 township and the immediate vicinity;

10 "D. That the proposed plan meets all of
11 the design features required in this Resolution;

12 "E. That the proposed development will be
13 compatible in appearance with surrounding existing or
14 proposed land uses; and

15 "F. That the development promotes the
16 efficient use of land and resources, promotes greater
17 efficiency in providing public utility services and
18 encouraging innovation in the planning and building
19 of all types of development."

20 And I believe that this plan does that, as
21 good as it can.

22 TRUSTEE MILEY: If we include those,
23 that's letting the plan slide on a couple issues
24 which would be B and -- Who printed this in fine
25 print? -- B and D, design features. But that is one

1 of the modifications.

2 GARRETT GANDEE: Yes.

3 DAVID SHADE: There are divergences that
4 are a part of the plan, and that's implicit in a
5 planned district.

6 TRUSTEE MILEY: Well, I kind of see that
7 as we approve all those as kind of a blanket do some
8 stuff.

9 GARRETT GANDEE: If I may, it's -- A vote
10 Yes for rezoning, you're already -- you're already
11 inherently saying that you agree with 14.07. He was
12 trying to get it on the record specifically. But
13 what we're saying, you know, is that it meets all the
14 design features required in the resolution. Well,
15 the resolution -- you're saying although he did ask
16 for some divergences, he followed the resolution that
17 pertains to how we approve them.

18 So you're not saying he just -- straight
19 up no changes, it's perfect. You're saying that any
20 divergences you've talked through, you've considered,
21 and he's followed the protocol in place for how you
22 handle them.

23 TRUSTEE SKINNER: And B, letter B,
24 references the comprehensive plan, which is a guide
25 for us, for the township. It's not law. It's a

1 guide. Which can be continually changing.

2 TRUSTEE MILEY: But the zoning matches the
3 comprehensive plan, so it's more than just a guide.

4 TRUSTEE SKINNER: And that's why we allow
5 for divergences, I guess.

6 All right. Next motion. Tomorrow I'm
7 going to get lots of emails and phone calls. And
8 this is not just me making this motion, this is the
9 entire board, just pointing that out.

10 So I move to approve the final development
11 plan of Henmick Brewery --

12 CORY COE: Preliminary development plan.

13 DAVID SHADE: No. Final.

14 TRUSTEE SKINNER: Final. They're saying
15 final. You said final. You were saying final so we
16 could --

17 CORY COE: Okay.

18 TRUSTEE MILEY: Do you recommend against
19 that being final? I mean --

20 UNIDENTIFIED MALE SPEAKER: Everybody's
21 now confused.

22 CORY COE: -- I thought Counsel made a
23 statement earlier that this was a preliminary
24 development plan when we had the discussion that it
25 would then go to the BZC for a final development plan

1 for their approval.

2 Is that not what was said? Because,
3 again, if --

4 DAVID SHADE: I said that it's what could
5 happen. I think the board of trustees decided that
6 they wanted to make it a final -- approve a final
7 plan with modifications.

8 NICK SHEETS: That we just went over.

9 CORY COE: Okay.

10 TRUSTEE SKINNER: And we also talked about
11 wanting to finish this --

12 CORY COE: Okay.

13 TRUSTEE SKINNER: -- make our
14 modifications so it doesn't have to go through the
15 zoning process again.

16 CORY COE: Okay.

17 TRUSTEE SKINNER: Because you've already
18 submitted applications, money --

19 CORY COE: Sure. My mistake, then.

20 (Indiscernible crosstalk.)

21 CORY COE: My mistake, then. I apologize.
22 I wanted to make sure it was clear. My mistake.

23 So, please, if you want to continue with
24 your motion.

25 TRUSTEE SKINNER: Are you comfortable with

1 it being final, or do you want me to change it?

2 TRUSTEE STEGNER: Final.

3 TRUSTEE MILEY: Make it final with the
4 modifications.

5 TRUSTEE SKINNER: Yes. So I'll start
6 over.

7 I move to approve the final development
8 plan of Henmick Brewery Planned Commercial and Office
9 District with the following modifications in place:

10 1) Strike "agritourism" wherever it is in the plan;

11 2) We need to see more details on
12 Buildings C and D, as well as all of the elevations
13 on the inn;

14 3) The northeast and west parking areas
15 are to remain gravel and grassy parking areas. The
16 parking lot for the inn and tavern shall be paved.
17 The owner shall be responsible for their dust
18 mitigation measures.

19 What number was that?

20 THE STENOGRAPHER: Three.

21 TRUSTEE SKINNER: Okay. 4) The perimeter
22 landscaping requirements along the road frontage of
23 North Old State Road is approved as stated in the
24 final development landscape plan, and this is
25 referring specifically to, not the trees yet,

1 specifically to the mound, the fence, the landscaping
2 like the 10-foot mound and all of that;

3 5) The final -- the interior landscaping
4 plan for parking lots -- Scratch that.

5 Okay. Here we go.

6 5) Interior landscaping for the east --
7 northeast parking lot shall have no interior
8 landscaping. The west parking lot has, already,
9 interior landscaping.

10 TRUSTEE MILEY: There's an addition of
11 trees. With the addition of trees.

12 TRUSTEE SKINNER: Yes, so this is
13 specifically referring to the west parking lot, we
14 are adding trees --

15 fill it in, Charlie.

16 TRUSTEE MILEY: Trees on the --

17 TRUSTEE STEGNER: Are all the red dots
18 trees that you proposed?

19 NICK SHEETS: Yes. They're in islands.

20 TRUSTEE STEGNER: So how many trees was
21 that? Did you happen to count?

22 NICK SHEETS: I can count.

23 GARRETT GANDEE: He's said your code
24 requires 26, so that's what it should be. You can
25 count the dots, but for the purpose of the language,

1 it's 26.

2 TRUSTEE STEGNER: I come up with 27.

3 NICK SHEETS: Well, we're exceeding it.

4 TRUSTEE SKINNER: Okay. I actually think
5 trees are there.

6 But still continuing No. 5, the west
7 parking lot shall have 27 trees --

8 TRUSTEE MILEY: On the islands.

9 TRUSTEE SKINNER: -- in the islands. And
10 the paved parking lot, landscaping/trees.
11 Landscaping is approved as is on the plan.

12 6) -- This is more continuing -- The
13 township shall waive interior parking area trees for
14 the northeast parking lot. Oh, this is where the
15 trees should be. Okay. Noting that the paved lot
16 will have interior trees;

17 7) The applicant shall retain existing
18 trees along the right-of-way of North Old State Road,
19 adding their 12 trees on the west side of the road
20 near the walking path, plus Charlie's tree.

21 TRUSTEE MILEY: Don't put that in there.

22 TRUSTEE SKINNER: Don't put that in?

23 TRUSTEE MILEY: An additional tree.

24 TRUSTEE SKINNER: Plus an additional tree
25 on the east side of the road near the detention pond.

1 And no live music after 10 p.m.

2 NICK SHEETS: Outdoor.

3 TRUSTEE SKINNER: No live outdoor music
4 after 10 p.m., but that can be rescinded if the
5 township makes a noise ordinance at a later date.

6 TRUSTEE MILEY: Did you include the
7 diagrams of the inn?

8 TRUSTEE SKINNER: Yes.

9 TRUSTEE MILEY: You already said that one?

10 TRUSTEE SKINNER: Yes.

11 TRUSTEE STEGNER: What about the
12 maintenance of the trees?

13 TRUSTEE SKINNER: Maintenance of trees
14 will be taken care of by the applicant.

15 Let's take a minute and make sure we
16 didn't miss anything.

17 TRUSTEE MILEY: I think you got it all.

18 TRUSTEE STEGNER: I think so.

19 TRUSTEE SKINNER: Okay.

20 TRUSTEE MILEY: I think she got it all.
21 Did you hear me?

22 TRUSTEE STEGNER: Uh-huh.

23 TRUSTEE SKINNER: Let me read it one more
24 time before I . . .

25 Number 5 was referring to the interior

1 landscaping of the parking lots, which they were
2 mentioned in other motions.

3 TRUSTEE MILEY: Of the west parking lot?

4 TRUSTEE SKINNER: Yes.

5 TRUSTEE MILEY: Okay.

6 TRUSTEE SKINNER: The west and east. So
7 we said no interior landscaping for the northeast,
8 there's already interior landscaping for the west,
9 and there will be interior landscaping for the paved.

10 TRUSTEE MILEY: He's adding those trees,
11 so we got it.

12 TRUSTEE SKINNER: Yeah, and he's adding
13 those trees. We got that in there, he's adding the
14 27 trees to the west parking lot islands.

15 Good?

16 TRUSTEE STEGNER: (Nods head.)

17 TRUSTEE MILEY: Ask for discussion.

18 TRUSTEE SKINNER: Is there a second?

19 TRUSTEE MILEY: I'll second.

20 TRUSTEE SKINNER: Any further discussion?

21 You were happy with the farmland being
22 screened around the north and south perimeter of the
23 west parking lot?

24 TRUSTEE STEGNER: I think that's plenty.

25 TRUSTEE MILEY: Yes.

1 TRUSTEE SKINNER: Okay. Let's do a roll
2 call vote if there's no more discussion. So, Miley?

3 TRUSTEE MILEY: Yes.

4 TRUSTEE SKINNER: Stegner?

5 TRUSTEE STEGNER: Yes.

6 TRUSTEE SKINNER: Skinner. Yes. A very
7 hard yes.

8 Any further discussion for the good of the
9 Henmick hearing?

10 DAVID SHADE: If you could email your list
11 to Garrett, we'll make sure that we conform.

12 TRUSTEE SKINNER: I will try to get you my
13 chicken scratches.

14 GARRETT GANDEE: I think I've got them
15 too.

16 TRUSTEE SKINNER: So, if nothing else, I
17 will entertain a motion to adjourn.

18 TRUSTEE MILEY: So moved.

19 TRUSTEE STEGNER: Second.

20 TRUSTEE SKINNER: And seconded. So
21 meeting adjourned.

22 (Whereupon, at 8:31 p.m., the meeting
23 concluded.)

24 --|--

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CERTIFICATE

I do hereby certify that the foregoing is a true and correct transcript of the proceedings taken by me in this matter on Monday, July 22, 2024, and carefully compared with my original stenographic notes.

Maria DiPaolo Jones



Maria DiPaolo Jones,
Registered Diplomate Reporter,
Certified Realtime Reporter,
and Ohio Notary Public

My commission expires: June 19, 2026.

(33949-MDJ)

--|--